

To: Councillors Rynn, Edwards (Chair) and Skeats

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8 March 2021

Your contact is: **Julie Quarmby - Committee Services**

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 1 - 16 MARCH 2021

A meeting of the Licensing Applications Sub-Committee 1 will be held on Tuesday, 16 March 2021 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 - 18 |
| To confirm the Minutes of the meetings of the Licensing Applications Sub-Committee 1 held on 8 December 2020 and 22 December 2020 as correct records. | | |
| 3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - OXFORD FOOD & WINE, 512 OXFORD ROAD, READING | | 19 - 78 |
| To consider an application for the review of a Premises Licence in respect of Oxford Food and Wine, 512 Oxford Road, Reading, RG30 1EG. | | |

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

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

1. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 10 November 2020 and 19 November 2020 were confirmed as a correct record.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - OXFORD ROAD SUPERMARKET, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Oxford Road Supermarket Ltd for the grant of a Premises Licence in respect of Oxford Road Supermarket, 267-271 Oxford Road, Reading, RG1 7PY.

The report stated that there was currently no licence in force at the premises and the application was for the grant of a Premises Licence to permit the following licensable activities:

Sale by Retail of Alcohol (off the premises)

Monday to Sunday 0700 hours until 0000 hours

Hours the Premises are open to the Public

Monday to Sunday 0700 hours until 0000 hours

A copy of the application form was attached to the report at Appendix DF-1.

During the 28 day consultation period for the application, representations had been received from Reading Borough Council, Thames Valley Police and Oxford Road Safer Neighbourhood Forum. The representations were attached to the report at Appendix DF-2, DF-3 and DF-4 respectively.

The report stated that in considering representations received, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

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

The report stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could grant the application as applied for, modify or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 1.2-1.5 and 8.41-8.49 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraphs 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.11-6.18, 10.1 and 10.3 from the Council's Statement of Licensing Policy (2018).

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

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

2. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or SWERCOTS NPONANS, or any similarly nationally recognised approved accreditation curriculum within four weeks for existing and subsequent employees;
3. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:
 - a) Description of person attempting to purchase alcohol
 - b) Time said person attempted to purchase alcohol
 - c) The reason for refusing a person alcohol
 - d) Name of staff member dealing with the refusal

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

4. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003:
 - i. The Prevention of Crime and Disorder
 - ii. Public Safety
 - iii. Public Nuisance
 - iv. The Protection of Children from Harm;
5. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises;
6. The premises age verification policy shall be in a written form and displayed in a prominent position on the premises;
7. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record while 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 with the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

tables and chairs and/or a designated smoking area. Data recordings shall be made immediately for viewing 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 and GDPR. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

8. Signage advising customers that CCTV is in use shall be positioned in prominent positions;
9. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded:
 - a) This record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year
 - b) A weekly review of the incident register shall be carried out by the Designated Premises Supervisor or a nominated responsible person;
10. Notices shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly;
11. Staff shall actively discourage and disperse customers who congregate immediately outside the premises so as to minimise disturbance to local residents.

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

12. The premises licence holder shall not sell single cans or split packs that are intended to be sold as “multi-packs” of “super strength” beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater, or alcoholic products specifically agreed in writing with the licensing authority. This restriction shall not apply in respect of specialist branded, premium priced products - for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory / commemorative beer, lager or cider with an alcohol content of 6.5% ABV or greater;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

13. The premises licence holder shall monitor the area immediately outside of the premises for evidence of customers consuming alcohol in the street that has been purchased on the premises. Where it reasonably appears to the premises licence holder that a person is attempting to purchase alcohol for consumption in the street near the premises, the sale shall be refused;
14. A sign shall be displayed at the entrance to the premises stating that the premises has a policy of not selling alcohol to anyone who is believed to intend to consume it on the street in the vicinity of the premises;
15. All alcoholic products sold from the premises other than wine and spirits, will be marked in a way that can be used to identify that the product has been purchased from the shop;
16. There shall be no self-service of spirits except for spirit mixtures;
17. The premises and area immediately outside the premises shall be kept clear of all forms of litter arising from licensable activities at the premises whilst the premises are open for licensable activities. Adequate waste receptacles for use by the customers shall be provided;
18. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all alcohol products purchased in the preceding three months;
19. 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.

3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BUTTS CONVENIENCE STORES, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the review of a Premises Licence in respect of Butts Convenience Stores, 205 Oxford Road, Reading, RG1 7BX.

The report stated that Thames Valley Police had submitted the application for the review of the Premises Licence due to concerns that the premises was failing to promote the licencing objectives via insufficient measures to ensure due diligence and compliance with the conditions in place on their licence. This had led to staff working at the premises without proof of their right to work or any training given on the sale of alcohol or the licensing objectives. A copy of the review application form and appendices were attached to the report at Appendix LIC-1.

During the 28 day consultation period for the application, representations had been received from Reading Borough Council, which were attached to the report at Appendix LIC-2.

A copy of the Premises Licence was attached at Appendix LIC-3, which authorised the following licensable activities:

Sale of Alcohol by Retail (Off the Premises)

| | |
|--------------------|---|
| Monday to Saturday | 0800 hours until 2300 hours |
| Sunday | 1000 hours until 2230 hours |
| Good Friday | 0800 hours until 2230 hours |
| Christmas Day | 1200 hours until 1500 hours and 1900 hours until 2230 hours |

Additional information was also supplied by Thames Valley Police.

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

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

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

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

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

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

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

Dan Fundrey, Licensing Enforcement Officer from Reading Borough Council, attended the meeting and presented the report.

Simon Wheeler from Thames Valley Police addressed the Sub-Committee on the review application and responded to questions.

Mark Groves, Senior Licensing Enforcement Officer, Reading Borough Council, addressed the Sub-Committee and responded to questions on the representations made by the Council as a Responsible Authority.

Daljit Khurana, the Premises Licence Holder and Designated Premises Supervisor, was also present at the meeting and was represented by Surendra Panchal, Personal Licence Courses Ltd, who addressed the Sub-Committee on the application and responded to questions.

Amended proposed licence conditions had been submitted by Thames Valley Police following consultation with the Premises Licensing Holder and Reading Borough Council Licensing Team.

The Premises Licence Holder's representative requested at the meeting that the operational hours for licensable activities be amended to 0700 hours until 0000 hours.

Resolved -

- (1) That, having reviewed the Premises Licence in respect of Butts Convenience Stores, 205 Oxford Road, with regard to the oral and written representations made, the Secretary of State's guidance as set out in the report and the Council's Statement of Licensing Policy as set out in the report, the conditions of the Premises Licence be modified in order to ensure the premises were properly managed in accordance with the licensing objectives and that current non-mandatory conditions and Licensing Act 1964 conditions attached to the licence be removed and the following conditions be attached to the Licence:
 1. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
 - 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

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Drug policy and substance awareness including their effects and types of drug paraphernalia i.e. any equipment, product or accessory that is intended or modified for the making, using or concealing drugs (bongs, pipes, clips, grinders, plastic baggies or similar items)

Refresher training shall be provided every six months. Signed induction and refresher training records are to be kept for a minimum of two years from the date of the training and made available for inspection by a police officer or an authorised officer of Reading Borough Council upon request;

2. 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;
3. All staff to be trained to record refusals of sales of alcohol in a refusal book or electronic register. The book/register shall contain:
 - a) Details of the time and date the refusal was made
 - b) The identity of the staff member refusing the sale
 - c) Details of the alcohol the person attempted to purchase

The book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police and a weekly review of the book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative;

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 staff members to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British drivers 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 a prominent position on the premises;
6. The Premises Licence Holder shall display in a prominent position a copy of the written policy on checking proof of age;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

7. The premises licence holder shall not sell single cans or split packs that are intended to be sold as multi-packs. 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 while 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 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 the Personal Licence Holder. The authorisation list shall include the name of the staff member authorised and the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder;
10. The Premises Licence Holder / Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003:
 - i. The Prevention of Crime and Disorder
 - ii. Public Safety
 - iii. Public Nuisance
 - iv. The Protection of Children from Harm;
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

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

- 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. The Premises Licence Holder and Designated Premises Supervisor shall ensure that the vicinity of the premises is kept clean, tidy and swept at all times and ensure that sufficient bins are provided;
 14. The Premises Licence Holder and Designated Premises Supervisor shall complete a written dispersal policy detailing the processes that they have in place to prevent the congregation of street drinkers within the vicinity of the premises and how they intend to support the Public Space Protection Order. The dispersal policy shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
 15. The Premises Licence Holder shall use secure screening shutters to cover all alcohol while the premises is open to the public outside permitted hours for the sale of alcohol;
- (2) That the operational hours for licensable activities remain unchanged.

(The meeting started at 9.30 am and finished at 1.52 pm)

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 22 DECEMBER 2020

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

4. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held 26 November 2020 and 1 December 2020 were confirmed as a correct record.

5. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - WILLIS AND SHORT NEWSAGENT, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application made by Thames Valley Police on 9 November 2020 for the review of a Premises Licence in respect of Willis and Short Newsagent, 341 Oxford Road, Reading.

The review had been requested due to concerns that Mr Patel, the Premises Licence Holder, was failing to uphold the licensing objectives in operating his business premises. This included a failing in a test purchase involving a child in April 2019 where four cans of Red Stripe lager were sold to a child.

A copy of the review application form and appendices were attached to the report at Appendix LIC-1.

During the 28-day consultation period for the application, representations had been received from Reading Borough Council, which were attached to the report at Appendix LIC-2.

A copy of the current Premises Licence was attached at Appendix LIC-3, which authorised the following licensable activities:

Sale of Alcohol by Retail (Off the Premises)

Monday - Saturday from 0530 hours until 2300 hours

Sunday from 0900 hours until 2300 hours

Hours open to the Public

Monday to Saturday from 0530 hrs until 2300 hrs

Sunday 0600hrs until 2300 hrs

Thames Valley Police recommended that the conditions of the premise licence be modified to include additional conditions that would aid the Premises Licence Holder in the promotion of the licensing objectives. Thames Valley Police, Reading Borough Council's Licensing Team and Mr Donne, of Silver Fox Licensing Consultants, on behalf of the Premises Licence Holder, had had positive discussions with each other since the review. A test purchase for alcohol by a child in November 2020 had been passed and the log of refusals of alcohol contained in the refusals book had been entered correctly.

On Friday 18 December 2020 a series of conditions had been agreed between parties, which would meet with the concerns raised by Thames Valley Police.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 22 DECEMBER 2020

Reading Borough Council's Licensing Team also suggested a condition regarding secure screen shuttering to cover all alcohol while the premises was open to the public. This proposal was not agreed by Mr Donne on behalf of the Premises Licence Holder. Mr Donne invited the Sub-Committee to consider extending the licensable hours to the opening hours as a way of resolving the secure screen shuttering.

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

- Simon Wheeler, Thames Valley Police
- William Donne, Silver Fox Licensing Consultants, on behalf of Mr Vipul Patel, the Premises Licence Holder
- Peter Narancic, Senior Licensing and Enforcement Officer

Mr Patel was also present at the meeting.

The Sub-Committee considered the written and oral representations made. It 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. In addition, the Sub-Committee kept in mind the four licensing objectives, which were as follows:

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

The Sub-Committee found, from the evidence presented as recently as September 2020, that there had been failings in management procedures and breaches of conditions which reflected some of the issues that had been raised in other inspections. These included:

- The licence on display at the premises was out of date.
- Training in respect of the licensing objectives was poor with staff not understanding what was required to fulfil these licensing objectives.
- Although the CCTV system was in operation staff could not download the records if asked to do so.

The Sub-Committee determined that the conditions put forward by Reading Borough Council's Licensing Team, and Thames Valley Police and agreed to by the Premises Licence Holder were appropriate and proportionate to promoting the licensing objectives and found those conditions proposed relevant and reasonable. It did not consider that extending the licensable hours to the opening hours was sensible or proportionate, given the previous management failings. The Sub-Committee decided that although the condition suggested by the Licensing Authority in respect of screening alcohol during opening hours outside of licensable hours was itself an offence under the Licensing Act 2003, it should be added as a condition to remind the Premises Licence Holder of their obligations under the Licensing Act 2003.

The Sub-Committee was pleased to note that there had been co-operation by the Premises Licence Holder since the review had been brought. It noted that a test purchase in November 2020 for alcohol by a child had been passed, and that the fitting of external CCTV camera and its operation was due to take place before the New Year.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 22 DECEMBER 2020

The Sub-Committee hoped the tightening of conditions would achieve the objectives set out under the Licensing Act.

Resolved -

That in order to promote the four licensing objections and having regard to 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), the Sub-Committee concluded that it was appropriate and proportionate for the Premises Licence to have tighter conditions which would ensure that the premises were properly managed in accordance with the licensing objectives. Therefore, the licence be amended to include the following conditions

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

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;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 22 DECEMBER 2020

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 (excluding stout) 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 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;
9. 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;
10. 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;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 22 DECEMBER 2020

11. The premises licence holder/designated premises supervisor shall ensure that they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.
 - I. The Prevention of Crime and Disorder
 - II. Public Safety
 - III. Public Nuisance
 - IV. The Protection of Children from Harm.
12. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence, and a list of staff members that have an awareness of its location and content;
13. 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 9.37 am and finished at 10.48 am)

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LICENSING ACT 2003 HEARING ON 16 MARCH 2021

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE LP2002472

1. Premises:

Oxford Food and Wines,
512 Oxford Road
Reading
RG30 1EG

2. Applicants Requesting Review:

Chief Constable of the Thames Valley Police

3. Grounds for Review

The application is for the review of a premises licence 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 in regard to the premises licence holder and a number of staff being complicit in the handling of stolen goods by buying alcohol stolen from other stores in Reading.

4. Date of receipt of application: 27 January 2021

A copy of the review application received is attached at [Appendix DF1](#)

5. Date of closure of period for representations: 24 February 2021

6. Representations received:

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

Reading Borough Council Licensing Team. Shown at [Appendix DF2](#)

7. Background

The premises are a convenience store with an off-licence located on Oxford Road. The Licensing Act 2003 premises licence was first granted on 24/11/2005. The licence was transferred to the current owner on 17/05/2019.

The Premises Licence Holder and Designated Premises Supervisor is: Mr Thinesh Sinniah.

The premises currently has the benefit of a premises licence. A copy of the current licence LP2002472 is attached at [Appendix DF3](#)

The times the licence authorises the carrying out of licensable activities:

Hours for the supply of alcohol for Off Sales
Monday to Sunday from 0800hrs until 2300hrs

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

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

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

In determining this application, the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities.

9. Power of Licensing Authority on the determination of a Review

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

1. take no further action
2. to exclude a qualifying club activity from the scope of the certificate
3. modify the conditions on the certificate
4. suspend the certificate for a period not exceeding three months
5. withdraw the certificate

Where the sub-committee takes a step mentioned in 2 or 3 it may provide that the modification or exclusion is to have effect for a period not exceeding three months or permanently.

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

Licensing objectives and aims

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

1.3 The licensing objectives are:

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

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

consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

Purpose

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

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

The role of responsible authorities

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

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

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

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

The Review process

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

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

Powers of a licensing authority on the determination of a review

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

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

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

Reading Borough Council Licensing Policy Statement (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 businesses 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 it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

Enforcement Approach

9.12 Where offences are found to have been carried out on licensed premises, the Authority has a number of enforcement options available to it. The Authority will work with partner agencies to determine which enforcement option is appropriate for the promotion of the licensing objectives. The seriousness of the offences found will be taken into consideration as well as any previous issues of non-compliance or criminality that have taken place at the licensed premises.

9.13 The enforcement options available to the Authority are wide-ranging. The Authority may consider, for example, that a letter detailing the issues found during an inspection followed by a period of time to rectify them is sufficient to promote the licensing objectives. Similarly, the Authority may consider that the breaches are sufficiently serious to warrant an immediate performance meeting with a licence holder so that a discussion can take place about the adequacy of the processes in place at the premises. This could, for example, lead to recommendations being put to the licence holder to implement much more robust conditions and processes to avoid a repeat of the breaches found. The authority may also decide to prosecute relevant persons for offences being carried out on licensed premises. Licence holders should note that the authority can take one or more of these options available to it at the same time for the same offences should it be deemed appropriate to do so.

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.

9.18 Any responsible authority or person defined as ‘any other person’ within the Act can initiate a review of any premises licence or club premises certificate. When another responsible authority or other person initiates a review, the Authority will deal with it as the Licensing Authority and may also wish to make representation in support of the review within its role as a responsible authority if it has relevant information.

9.20 The Authority shall endeavour to work with licence holders and applicants where it is believed that steps can be taken to rectify issues identified at licensed premises. However, it cannot merely continue that approach if it has previously failed or the licence holder is unresponsive. It is the responsibility of all licence holders and responsible authorities to ensure that licensed premises are not undermining the promotion of the licensing objectives and that licensable activity is carried out lawfully. The Authority will work with partners to determine what action is appropriate for each premises where issues are discovered. Each premises and the action required for each will be assessed on its own individual merits.

9.21 The Council, in determining a review application can take the following steps in order to promote the licensing objectives:

- modify the conditions on the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the premises licence

Relevant Case law for consideration

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

East Lindsey District Council v Abu Hanif (2016)

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 Declan Smyth, 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 | |
| Oxford Food and Wines, 512 Oxford Road | |
| Post town Reading | Post code (if known) RG30 1EG |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Mr Thinesh Sinniah |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| LP2002472 |

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. **LP2002472**, Oxford Food and Wines, 512 Oxford Road, Reading, Berkshire, RG30 1EG.

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.

On 11th January 2020 at approximately 1550 hours Thames Valley Police attended the premises known as the Oxford Food and Wines. The attending officers' intention was to complete a Licensing inspection and to gather evidence in relation to the suspicion of handling stolen goods at the premises based on intelligence that had been received regarding the purchase of stolen alcohol, at the premises.

Mr Thinesh Sinniah (Premises Licence Holder & DPS) assisted the officers with the inspection.

With the permission of the PLH Officers entered the rear stock room whilst PC Wheeler began to view the premises CCTV. Within the stock room were a number of bottles of spirits, including Gin and Smirnoff Vodka which had the security tags still attached to the necks of the bottles. These bottles included Marks & Spencers branded Gin with the M&S tags attached and numerous other bottles of spirits believed to be from Sainsburys and other stores.

Furthermore a bag for life style bag was located that contained a substantial amount of security tags that had been removed from stolen bottles of alcohol.

CCTV from the premises provides evidence of the PLH and other staff members purchasing stolen alcohol from a known shoplifter and drug user on the following numerous occasions –

16/12/2020 13:38:34 13:40:22 Tesco sausage dog bag, long exchange over money with the PLH/DPS, who pays £40 cash from their pocket in end.

16/12/2020 19:50:24 19:58:58 4 bottles, staff member, £50

20/12/2020 12:31:42 12:34:14 2 bottles, staff member, £20

26/12/2020 17:08:22 17:11:03 Orange & green bag, £20

27/12/2020 14:40:32 14:41:47 Sainsburys orange bag, not sure how many bottles, staff member, £50

28/12/2020 19:01:21 19:04:53 2 bottles, staff member, £20

31/12/2020 15:38:12 15:44:00 6 bottles of M&S Gin, staff member, £30

03/01/2021 12:36:05 12:37:30 5 bottles Jack Daniels Tesco red & black caps. Staff member, £50

05/01/2021 18:07:51 18:11:32 6 bottles Bacardi, Smirnoff & Capt Morgans Rum from Tesco, DPS/PLH wife pays £50, second staff member carries stolen stock away.

06/01/2021 11:54:13 11:56:00 4 bottles, DPS/PLH, £40

06/01/2021 19:42:20 19:45:31 Possibly 6 Bottles, Wife is behind the counter, DPS/PLH exits at 19:48:10 to pay the original shoplifter.

07/01/2021 12:38:36 12:39:32 4 bottles (2 Bacardi + 2 Capt Morgan) wife at till, DPS/PLH pays

08/01/2021 17:36:00 17:39:28 5 bottles Aldi gin, Wife, £25

09/01/2021 14:35:01 14:37:53 5 bottles, , Staff member, £50

10/01/2021 16:19:10 16:22:00 3 bottles, staff member, £15

11/01/2021 14:04:26 14:07:45 5 bottles from Tesco, DPS/PLH pays, £40

Thames Valley Police submit this application for review in order to address the wholesale purchasing of stolen alcohol by the PLH/DPS and other staff members at this premises. The alcohol, has been purchased with the full knowledge of all concerned that it had been stolen and for the simple reason that “it was cheap”.

This behaviour supports criminality as well as supporting drug users within their habit and leading to their further perpetration of thefts within Reading town centre and other Oxford road locations in order to sell the stolen goods to this premises.

It is imperative for licensed premises (and specifically those situated within this area of concern i.e. Oxford Road) to act both responsibly, and in a manner that promotes the licensing objectives and does not undermine them by openly failing to prevent crime and disorder. Instead promoting crime and disorder!

Therefore and in conclusion the deliberate and knowledgeable receiving of stolen goods by this PLH and his staff have led to the review of this premises licence.

Thames Valley Police respectfully ask the Licensing Sub – Committee to consider the immediate revocation of the premises licence relating to Oxford Food and Wines, 512 Oxford Road as the only proportionate and necessary step available to prevent the undermining of the four licensing objectives.

Appendices currently provided:

1. Statement of PC 5787 Wheeler – detailing arrest and interview of PLH.
 2. Statement of PC 6549 McCarthy – detailing the seizure of stolen stock and exhibiting images.
 3. Images of stolen stock and security tags located within the premises.
 4. Body Worn Video footage of the visit to the premises, stolen stock shown in situ and arrest of the PLH. (First 9 minutes are most pertinent)
- Please note Appendix 1, 2 and 4 are requested not to be placed onto public view and withheld from the public element of the hearing due to ongoing police investigations and further GDPR concerns surrounding the identification of others within the footage and other personal information relating to the PLH.

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 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

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

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

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

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

A full transcript of this Case Law is provided:

QBD, ADMINISTRATIVE COURT

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

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

B e f o r e:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Respondent

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

(Official Shorthand Writers to the Court)

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

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

J U D G M E N T

(Approved)

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1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.
2. The appellant, the East Lindsey District Council, is the licensing authority. The Magistrates' Court in the usual way is not a party to these proceedings. The respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.
3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that

Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.

4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:
5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.
6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.
7. The subcommittee considered the evidence by Mr Kheng on behalf of Mr Hanif and the Home Office section 182 Guidance to Licensing Authorities. The subcommittee were of the view that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective."
8. The respondent then appealed to the Magistrates' Court. There was a hearing on 27 March 2015, and on 23 June the district judge decided to allow the respondent's appeal. On 1 September 2015, the district judge determined the issue of costs and on 7 January 2016 he stated the case. The appeal to the district judge was de novo, but he accepted that he could only allow the appeal if the subcommittee's decision was "wrong", the burden being on the appellant before him to establish that.
9. Looking now at the stated case, the district judge noted that the respondent had received a civil penalty for employing an illegal worker under section 15 of the Immigration, Asylum and Nationality Act 2006. An immigration officer gave evidence to the effect that although by virtue of section 21 a

criminal offence was committed, such proceedings were rarely brought. The district judge also noted that the police and the Council's licensing officer were no longer saying that the respondent was a serial offender, but a redacted report which was placed before the subcommittee still gave the impression that he "was in a much worse position than he actually was". As for the failure to pay the minimum wage, the district judge said this:

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

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

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

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

12. The district judge also criticised the subcommittee for adopting an inconsistent approach because in other similar cases only warnings were issued. Finally, he considered that the subcommittee may have been influenced by comments in the police report, leading them to believe that they were dealing with a serial offender.

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

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

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

15. The epithet "appropriate" was introduced by amendment in 2011. Previously

the test had been stricter. In my judgment, it imports by necessary implication the concepts of proportionality and relevance.

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

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

19. To the extent that the analysis must be retrospective, the issue is whether, in the opinion of the relevant court seized of the appeal, criminal offences have been committed. In the instant case they clearly had been: in relation to tax evasion (see the common law offence of cheating the Revenue and the offence of fraudulent evasion of tax contrary to section 106A of the Taxes and Management Act 1970); and the employment of Mr Miah at remuneration below the minimum wage (see section 31 of the National Minimum Wage Act 1998). Moreover, given the evidence that Mr Miah never provided the relevant paperwork, notwithstanding apparent requests, the obvious inference to be drawn is that the respondent well knew that he

could not, and that no tax code and National Insurance number had been issued. The corollary inference in my judgment is that the respondent well knew that Mr Miah could not provide the relevant paperwork because he was here illegally.

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

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

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

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

B. No.

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

D. No.

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

24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence.

This appeal must be allowed and the respondent's licence must be revoked.

25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.
26. MR JUSTICE JAY: Yes.
27. MR KOLVIN: Should I start with here.
28. MR JUSTICE JAY: Yes.
29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.
30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.
31. MR JUSTICE JAY: It has.
32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application is for £16,185. I know there's not a lot of explanation around my fee, but it was taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single - -
33. MR JUSTICE JAY: What about your junior's fees?
34. MR KOLVIN: My learned junior is also my instructing solicitor, he wears two hats.
35. MR JUSTICE JAY: I see.
36. MR KOLVIN: He has his own firm which is Dadds LLP, and he is also a member of the bar, so although he has appeared as my junior, his fee is

wrapped up in the solicitors' fees set out in the schedule.

37. MR JUSTICE JAY: Okay. What about the costs below?
38. MR KOLVIN: My Lord, I'm just trying to ascertain what the position is.
39. MR JUSTICE JAY: I thought there was no order for costs below.
40. MR KOLVIN: There was no order for costs below, that was on the basis that the appeal had been allowed. The situation in relation to costs of licensing appeals are set out in section 181 of the Act, which enables the court to make such order as it thinks fit. Normally when appeals are dismissed there is no real question about it, costs follow the event. When appeals are allowed, some further considerations come into play, which are expressed by the Master of the Rolls in a case which you may have come across called City of Bradford v Booth, which is the case where the Master of the Rolls said that local authorities shouldn't be put off from trying to make honest and reasonable decisions in the public interest. And so one has to take account additionally of the means of the parties and their conduct in relation to the dispute, but in this case of course the appeal has now been dismissed, and so we would say that the ordinary rule is that the costs should follow the event, the appeal having failed. I'm just trying to ascertain whether schedules were ever served below, in the light of the way the case came out. **(Pause)**
41. My Lord, I'm really sorry that we don't actually have the schedule here, apparently it was £15,000. If you were minded to order costs below the options are either I suppose to wait and we will have the thing emailed up, or to say, "Look, it was below, it's a little bit more complex, they should be assessed if not agreed."
42. MR JUSTICE JAY: This is going to wipe him out, isn't it?
43. MR KOLVIN: Well he has already said, I have to say, I'm just telling you frankly what I've been told this morning, that when the bundles and the schedules were served on him, he had clearly read them, but he said, "If you win in the High Court and get costs against me, then I'm just going to declare myself bankrupt." So there may well be a bit of football(?) about this, but nonetheless it was his appeal, his team raised a point which in retrospect was very surprising, and caused an awful lot of costs to be incurred.
44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.
45. MR KOLVIN: Thank you.

46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.
47. MR KOLVIN: Thank you, my Lord.
48. MR JUSTICE JAY: On the basis of that schedule.
49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can - -
50. MR JUSTICE JAY: I'll take a broad brush approach to that.
51. MR KOLVIN: Thank you.
52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So with the practice direction in mind, would my Lord be minded to - -
53. MR JUSTICE JAY: Just remind me of the practice direction.
54. MR KOLVIN: Yes, can I hand it up?
55. MR JUSTICE JAY: Yes. **(Handed)**
56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.
57. So that's the situation we're in. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".

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

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

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

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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 D.Smyth

.....

Date 26th January 2021

.....

Capacity **Thames Valley Police (Licensing officer) Reading LPA on behalf of the Chief Constable of Thames Valley Police.**

.....

| | |
|---|------------------|
| 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) | |

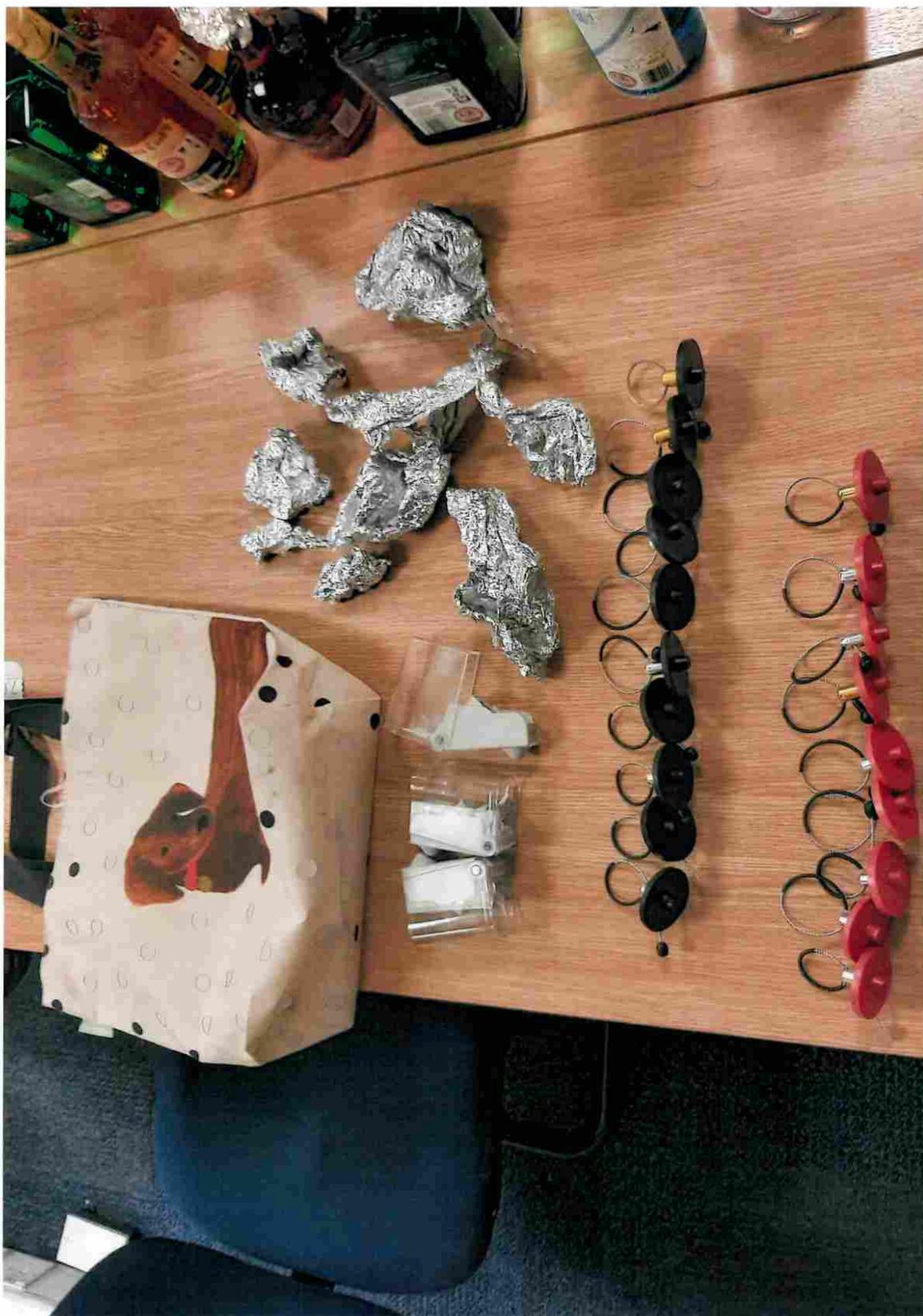
Notes for Guidance

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.

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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|---|---|------------|------------|------------|------------|------------|------------|
| Name of Officer | Robert Smalley | | | | | | |
| Type of Application | Review of a Premises Licence - Licensing Act 2003 | | | | | | |
| Name of Premises | Oxford Food & Wines | | | | | | |
| Address | 512 Oxford Road | | | | | | |
| | Reading | | | | | | |
| | RG30 1EG | | | | | | |
| Premises Licence No. | LP2002472 | | | | | | |
| Licensable Activities | Sale of Alcohol by Retail - Off the Premises | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Finish Times | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 |
| Content of Application: | | | | | | | |
| <p>The application was submitted on 27/01/2021 by Mr Declan Smyth on behalf of the Chief Constable of Thames Valley Police (TVP) for the review of the premises licence at the above address. The review has been submitted in order to address the wholesale purchasing of stolen alcohol by the Premises Licence Holder/Designated Premises Supervisor and other staff members at this premises. This behaviour causes a cascade effect in criminality, for example, supporting drug users within their habit and leading to their further perpetration of thefts in order to sell the stolen goods to this premises.</p> <p>On 11/01/2021, TVP attended this premises with the intention of conducting a premises licence inspection and to gather evidence in relation to the suspicion of handling stolen goods. This was triggered following intelligence that had been received by TVP regarding the purchase of stolen goods at this premises. During this visit, as explained in the review application, a number of bottles of spirits were found in the rear stock room at the premises, some with security tags still attached. A bag was also located that contained a substantial number of security tags that had been removed from stolen bottles of alcohol. A number of these bottles were Marks & Spencer branded with M&S security tags attached.</p> <p>Thames Valley Police submit that this review is necessary in order to promote all 4 licensing objectives: The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and The Protection of Children from Harm.</p> | | | | | | | |

The police are a named responsible authority under the Licensing Act 2003.

Licensing Officer's Comments:

Reading Borough Council, acting as a responsible authority, support the application to review the premises licence for Oxford Food & Wines. We believe that a suspension of the premises licence, addition of conditions and the removal of the Designated Premises Supervisor are appropriate and proportionate measures to assist the premises licence holder to promote the licensing objectives at this premises.

This premises is situated on Oxford Road which 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.

Handling stolen goods is a criminal offence as listed in section 22(1) of the Theft Act 1968. As previously mentioned, the crimes committed in pursuit of obtaining goods to sell to premises such as the above and then any further crimes committed with the proceeds of these actions can result in an increase in overall crime in both Reading town centre and Oxford Road. The handling of stolen goods is a vital link in this chain of criminality, one that, if broken, causes the illegal chain of events to collapse.

Schedule 4, sub-section 5(o) of the Licensing Act 2003 identifies handling stolen goods as a relevant offence for personal licences.

The premises currently has the benefit of a premises licence (**LP2002472**) held by Mr Thinesh Sinniah that authorises the Sale of Alcohol by Retail for Consumption Off the Premises. The PLH utilises this licence to operate as a convenience store with off-licence which sells alcohol:

Monday to Sunday from 0800hrs to 2300hrs

Licensing team's interactions with the premises:

Mr Thinesh Sinniah has been the licence holder since May 2019. During his time as licence holder, 3 licensing inspections have been conducted by licensing officers from Reading Borough Council. 2 of these inspections have highlighted areas of non-compliance as detailed below:

Appendix RS-1 contains an e-mail sent by licensing enforcement officer Dan Fundrey to the licence holder following an inspection by licensing enforcement officer Anthony Chawama on 07/08/2020. This inspection identified 4 offences/ breaches of the premises licence, including: No Section 57 notice, no authorisation of staff for the sale of alcohol, no age verification policy being implemented, and no notices being displayed at exits requesting customers to leave quietly.

Appendix RS-2 contains a letter sent by licensing enforcement officer Robert Smalley to the licence holder following an inspection on 12/01/2021. This inspection found 4 offences/ breaches of the premises licence, including: No Part B of the premises licence on display, failure of the DPS to produce his personal licence as per section 135 of the Licensing Act 2003, failure to keep the premises tidy and provide waste bins, lack of signage explaining to customers that it is illegal to purchase or attempt to purchase alcohol under the age of 18. During this inspection it was also noted that no fire risk assessment had been completed. Links to guidance on how to complete this were provided to the licence holder in this letter. Following the inspection on 12/01/2021, licensing enforcement officer Robert Smalley re-visited the premises on 11/02/2021, following an e-mail from Mr Sinniah on 10/02/2021 that all issues raised from the previous inspection had been rectified. During this visit it was noted that all issues had been rectified, other than the fire risk assessment. Mr Sinniah explained that he didn't understand what he was supposed to do and asked for Officer Smalley's assistance in completing the risk assessment. Mr Sinniah was told that a council licensing officer cannot complete his risk assessment and that if he is unable to do it, then he can seek professional assistance. At the time of writing, no update has been received from Mr Sinniah on the status of the fire risk assessment. In addition to this, it was noted that the personal licence produced by Mr Sinniah contained his previous address, this is an offence under section 127 of the Licensing Act 2003.

The above premises is now complaint with the conditions on its premises licence and has also implemented recommended good practices in the form of a refusals register and an incident book. It is noted that the conditions on this premises licence are not as robust as would typically be found on a new convenience store premises licence on Oxford Road and we believe the conditions included at the end of this representation would better assist the premises licence holder in promoting the licensing objectives and to maintain the new due diligence practices started at the premises following the most recent visit.

The approach of the Licensing Team:

The Responsible Authorities named in the Licensing Act 2003 must ensure that the licensing objectives are all actively promoted to prevent crime and disorder, prevent public nuisance, protect children from harm and ensure public safety. All four licensing objectives are of equal importance.

Secretary of State's Guidance (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.

The Council's Statement of Licensing Policy (2018):

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.

9.16 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.

Summary of Representation:

Reading Borough Council Licensing appreciates the serious nature of the offence of handling stolen goods that has been committed at this premises and the negative impact such offences have on those businesses that the goods are stolen from. It is also understood that the proceeds of such crimes can be used to support further criminality. However, taking into account the good level of compliance with the premises licence and the premises licence holder's receptiveness to improving standards at the premises we believe it prudent to allow the premises licence holder to keep the premises licence

and if this is what members are minded to do, we respectfully ask for the following measures to be applied:

1. The removal of Mr Thinesh Sinniah as DPS. Mr Sinniah has proven that he is not currently capable of the responsible retail of alcohol as is expected of a designated premises supervisor. It is believed that the hiring of a new DPS at the premises, that has experience running similar premises, will provide better focus on the promotion of the licensing objectives and improve employee standards.
2. The removal of the current conditions on the licence to be replaced by those listed at the end of this document. As previously explained, it is believed that these conditions will form a solid foundation for the premises licence holder to work on to maintain compliance and good practices.
3. The suspension of the premises licence. We believe a suspension of the premises licence will allow the premises licence holder adequate time to source a new DPS and implement the below conditions.

Reading Borough Council Licensing propose that all conditions currently on the premises licence be replaced with the following:

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.
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. 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.
8. 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.

9. 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.
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. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all alcohol products purchased in the preceding six months. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.
13. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

NB: The applicant shall not conduct licensable activities until the above measures are in place and it is confirmed to the Licensing Authority that the conditions are being fully complied with. Any licensable activity that takes place at the premises not in accordance with a licence is an offence under Section 136 of the Licensing Act 2003.

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] EWHC 1318 (Admin)

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

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

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

Appendices

Appendix RS-1: Copy of the current premises licence

Appendix RS-2: Premises inspection results letter from inspection conducted by Anthony Chawama dated August 2020

Appendix RS-3: Premises inspection results letter from inspection conducted by Robert Smalley dated January 2021

| | | | |
|----------------------|-------------------|-----------------|-------------------|
| Date Received | 27/01/2021 | Date Due | 24/02/2021 |
|----------------------|-------------------|-----------------|-------------------|

| | | | |
|-------------|-----------|-----------|-------------|
| Date | 18 | 02 | 2021 |
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RS-1

From: Fundrey, Dan
Sent: 13 August 2020 09:10
To: thineshxxxxxxxxxxxxxx
Subject: Licensing inspection - Oxford Food and Wine 8 August 2020

Dear Thinesh Sinniah,

Licensing Act 2003
Premises Name: Oxford Food and Wines
Premises Address: 512 Oxford Road, Reading, , RG30 1EG

On 7 August 2020, Licensing Officer, Anthony Chawama visited your premises to ensure you are complying with the above premises licence and to advise on any matters that may arise during the inspection.

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

Mandatory conditions

- No Section 57 notice could be found on the premises. This is a legal notice that states where Part A of the licence is kept and who has custody of it. Please ensure this is rectified immediately.
- It could not be demonstrated that any of your staff had been authorised to sell alcohol. You may be aware that the mandatory conditions attached to your licence state that all sales of alcohol shall be made by, or authorised by, a personal licence holder. The best way to demonstrate compliance with this condition is to do a written authorisation list. If staff have not been authorised then they will not be permitted to sell alcohol. This is a breach of condition and should be rectified immediately.
- You were unable to demonstrate that you have an age verification policy in place. Please ensure that this is rectified.

Conditions agreed with licensing

- Condition 1 on page 7 of your licence under the heading 'Prevention of Public Nuisance' in respect of notices being displayed at all exits requesting customers to leave quietly was not being complied with. No notices could be located. They are required to be placed at all exits. This is a breach of condition and should be rectified immediately.
- In respect of staff training on the sale of alcohol. No training records could be produced. This is a breach of condition and should be rectified.

Whilst we consider what, if any, further action to take in respect of the findings detailed in this letter, please rectify all of the above within 28 days. Once you believe all of the above has been

OFFICIAL

rectified, please contact Anthony Chawama by email on anthony.chawama@reading.gov.uk so that we can arrange a re-inspection.

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

Yours faithfully

Dan Fundrey

Licensing Enforcement Officer

Licensing Department | Directorate of Environment and Neighbourhood Services



Sent via email on 13/01/2021

RS-2

Dear Sirs,

Licensing Act 2003

Premises Name: Oxford Food and Wines

Premises Address: 512 Oxford Road, Reading, RG30 1EG

On **12/01/2021**, I visited your premises to ensure you are complying with the above premises licence and to advise on any matters that may arise during the inspection.

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

Mandatory conditions

- Part B of your licence was not on display. It is a requirement that this document is on display in a prominent position so that your customers can see it. All pages must be displayed. Please ensure this is rectified immediately. I have included a copy of Part B with this letter.
- You could not produce your personal licence to us. This is an offence under Section 135 of the Licensing Act. Please ensure that this is rectified.
- You were unable to tell officers what the four licensing objectives are. All licence holders are expected to have a basic knowledge of these objectives as they are supposed to be actively promoted. You are advised to refresh yourself and your staff of these objectives and what they mean.

Conditions agreed with licensing

- Condition 1 on page 7 of your licence under the heading 'Public Safety' in respect of providing bins and keeping the premises clean and tidy was not being fully complied with. The premises was generally clean, however it was not tidy due to there being numerous bottles, cans and stacks of goods on the floor. Furthermore, no bin was being provided. This is a breach of condition and should be rectified immediately.
- Condition 2 on page 7 of your licence under the heading 'Protection of Children from Harm' in respect of underage sales was not being fully complied with. There was no signage explaining to customers that it is illegal to purchase or attempt to purchase alcohol under the age of 18. This is a breach of condition and should be rectified immediately.

Advisories

- No refusal book seemed to be in operation at the premises. We would expect premises that sell alcohol to be utilising a refusal book and would also expect all staff would know how and when to ask for ID and how to record any refusals.
- No incident book seemed to be in operation at the premises. You are advised to action this so that any incidents are recorded.

Fire Risk Assessment

- The Regulatory Reform (Fire Safety) Order 2005 requires all licensed premises to have a written fire risk assessment. No risk assessment was available at the time of my visit. Please rectify this immediately. Royal Berkshire Fire and Rescue Service's website contains more information regarding fire risk assessments - <https://www.rbfrs.co.uk/your-safety/safety-at-work/legislation/fire-risk-assessment/>. Furthermore, your fire exit did not have any signage identifying it as a fire exit, please rectify this immediately.

Whilst we consider what, if any, further action to take in respect of the findings detailed in this letter, please rectify all of the above within 28 days. Once you believe all of the above has been rectified, please contact me so that we can arrange a re-inspection.

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

Yours faithfully



Robert Smalley
Licensing Enforcement Officer

LICENSING ACT 2003 PREMISES LICENCE - PART A

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

| | |
|--------------------------------|------------------|
| Premises Licence Number | LP2002472 |
|--------------------------------|------------------|

Premises Details

| | |
|--|------------|
| Premises Name and Address | |
| Oxford Food and Wines 512 Oxford Road Reading Berkshire RG30 1EG | |
| Telephone Number | ██████████ |

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

Licensable Activities

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

Authorised Hours for Licensable Activities

| | |
|---|----------------------------|
| The times the licence authorises the carrying out of licensable activities | |
| Hours for the Sale by Retail of Alcohol | |
| Monday | from 0800hrs until 2300hrs |
| Tuesday | from 0800hrs until 2300hrs |
| Wednesday | from 0800hrs until 2300hrs |
| Thursday | from 0800hrs until 2300hrs |
| Friday | from 0800hrs until 2300hrs |
| Saturday | from 0800hrs until 2300hrs |
| Sunday | from 0800hrs until 2300hrs |

Opening Hours

| | |
|---|----------------------------|
| Hours the Premises is Open to the Public | |
| Monday | from 0800hrs until 2300hrs |
| Tuesday | from 0800hrs until 2300hrs |
| Wednesday | from 0800hrs until 2300hrs |
| Thursday | from 0800hrs until 2300hrs |
| Friday | from 0800hrs until 2300hrs |
| Saturday | from 0800hrs until 2300hrs |

Sunday from 0800hrs 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 Thinesh Sinniah

Address: [REDACTED]

Additional Details

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

Name: Mr Thinesh Sinniah

Address: [REDACTED]

Designated Premises Supervisor

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

Personal Licence Number: LN/000013365/2019/1

Issuing Authority: Harrow Council

This Licence shall continue in force from 17/05/2019 unless previously suspended or revoked.

Dated: 17 June 2019

Signed on behalf of the issuing licensing authority



Francis Martin
Executive Director for Economic Growth and 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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

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

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

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

Annex 2

Conditions Consistent with the Operating Schedule

Prevention of Crime & Disorder

1. The premises will have installed a CCTV system, which covers public areas of the premises. Recordings will be kept for a period of 28 days.

Public Safety

1. The premises will be kept clean and tidy and provide waste bins inside and where permitted outside the premises. These bins will be emptied and cleaned daily.

Prevention of Public Nuisance

1. Signs must be displayed requesting customers leave the shop quietly to respect residents.

Protection of Children from Harm

1. A recognised proof of age scheme and/or photo driving licences must be used at the premises.
2. Signs must be displayed and staff must be trained to deal with any under age sales.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no.RGL/01

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