

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 6 SEPTEMBER 2018

**Present:** Councillors C Maskell (Chair), Rowland and Skeats.

### 9. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 2 August 2018 were confirmed as a correct record and signed by the Chair.

### 10. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - BP WELDALE CONNECT, WOKINGHAM ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by BP Oil UK Ltd for a variation of the premises licence in respect of BP Weldale Connect, 324 Wokingham Road, Reading.

The report stated that the premises currently had a Premises Licence in force, which permitted the following:

#### Provision of Late Night Refreshment (Indoor and Outdoor)

Monday to Sunday from 2300hrs until 0500hrs

#### Sale by Retail of Alcohol (off the premises)

Monday to Sunday from 0800hrs until 2300hrs

#### Opening Hours

Monday to Sunday from 0000 hours until 2400 hours

A copy of the Premises Licence was attached to the report at Appendix 5.

The application was seeking to vary the Premises Licence to allow:

#### Sale of Alcohol, Off the Premises

Monday to Sunday 0000 hours until 2400 hours

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

A representation had also been received from Reading Borough Council's Licensing Team and was attached to the report at Appendix 2. A representation had been received from Thames Valley Police and was attached to the report at Appendix 3. A representation had been received from a member of the public, Mr George Martin and was attached to the report at Appendix 4.

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

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

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The report also 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 amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 2.15-2.16, 8.41-8.49, 9.11-9.13, 10.4-10.5 and 14.63 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraph 11.4.1 from the Council's Statement of Licensing Policy (October 2013).

PC Simon Wheeler of Thames Valley Police, was present at the meeting and addressed the Sub-Committee on the application. Mr Peter Narancic of Reading Borough Council's Licensing Team was present at the meeting and addressed the Sub-Committee on the application.

The applicant was represented by Mr Robert Botkai, Solicitor, who addressed the Sub-Committee on the application and responded to questions. Mr Carl Davidson, Licensing Manager, BP plc, was also present and responded to questions from the Sub-Committee.

### Resolved -

- (1) That, in order to promote the four licensing objectives, and having regard to the oral and written representations made, the Secretary of State's guidance (April 2018), in particular paragraphs 2.15-2.16, 8.41-8.49, 9.11-9.13, 10.4-10.5 and 14.63 and paragraph 11.4.1 the Council's Statement of Licensing Policy (October 2013), the application for the variation of the Premises Licence in respect of BP Weldale Connect, 324 Wokingham Road be granted to permit:

#### Sale of Alcohol (off the premises)

Monday to Sunday                      0000 hours until 2400 hours

- (2) That all relevant mandatory conditions set out in the report and the following additional conditions be attached to the licence:

#### Closed Circuit Television

1. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are undertaking licensable activities and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area, forecourt and areas within the curtilage of the premises shall be covered by the CCTV. Data recordings shall be made available to an authorised officer of Reading Borough Council or Thames Valley Police, together with facilities for viewing upon request subject to the provisions of the Data Protection Act. Recorded images shall be of such a quality as to be able to identify the recorded person.
2. Signage advising customers that CCTV is in use shall be positioned in prominent positions

#### Age Verification Policy

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3. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, Military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme as set down within the mandatory conditions) are to be accepted as identification. A copy of the age verification policy shall be displayed in a prominent position on the premises.
4. Signage advertising the Challenge 25 scheme and age shall be displayed in prominent positions on the premises.

### Staff Training

5. All cashiers shall 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 will be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A four weekly review of the refusal book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.
6. Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

### Incident Register

7. An incident register shall be used, maintained and kept on the premises to record any incident of crime and disorder or instances when the police have had to attend the premises. The register shall be made available for inspection to an authorised Officer of Reading Borough Council or Thames Valley Police upon request. Public nuisance

### Public Nuisance

8. 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.

### Other Initiatives

9. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content over 5.5% ABV (alcohol by volume). This restriction shall not apply in respect of the specialist branded, premium priced, products - for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or

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cider with an alcohol content above 5.5% ABV, where such products have been agreed in writing (email will suffice) by authorised licensing officers.

10. Spirits (with the exception of spirit mixers and pre-mixed spirit drinks) shall be located behind the counter.
11. Where there is more than one member of staff on duty between 0000hrs and 0500hrs, a remote door lock facility will be in use for all admissions of customer entering the premises and all customers entering the premises shall be monitored. If there is only one member of staff on duty between 0000hrs and 0500hrs, the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.
12. The premises licence holder shall at all times maintain an adequate level of staff. Such staff levels will be disclosed to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.
13. The external area of the premises and forecourt shall be kept clean and tidy. Adequate waste receptacles for use by the customers shall be provided in and immediately outside the premises.

### **11. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - LOCAL FOOD AND WINE, 441 BASINGSTOKE ROAD, READING**

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Jasnoor Singh Vadwah for the grant of a premises licence in respect of Local Food and Wine, 441 Basingstoke Road, Reading.

The report stated that a premises licence was currently in force at the premises and was held by Mr Gurmit Singh Gurwara. This licence had been revoked by the Licensing Sub-Committee on 29 March 2018 (Minute 30 refers) due to the employment of an illegal worker; breach of conditions and historical issues with illicit alcohol and tobacco. This decision had been appealed by the premises licence holder to the magistrates court and therefore the licence was currently in force at the premises.

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

#### Sale of Alcohol (off the premises)

Monday to Sunday                      0700 hours until 2300 hours

#### Opening Hours

Monday to Sunday                      0700 hours until 2300 hours

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

The report stated that representations had been received from Reading Borough Council Licensing Team, Thames Valley Police, which were attached to the report at Appendix 2 and 3 respectively.

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The report stated that in determining the 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 also 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 amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 8.41 - 8.49, 9.11 - 9.13, and 14.63- 14.65 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report also set out paragraphs 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy (October 2013).

Mr Surendra Panchal, representing the applicant was present at the meeting and addressed the Sub-Committee on the application. Mr Jasnoor Singh Vadwah, the applicant, was present at the meeting and addressed the Sub-Committee on the application and responded to questions.

Peter Narancic, Senior Licensing Officer, Reading Borough Council, and PC Simon Wheeler, Thames Valley Police, were both present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

### **Resolved -**

That, in order to promote the four licensing objectives, and having regard to the oral and written representations made, paragraphs 8.41-8.49, 9.11-9.13, and 14.63-14.65 of the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018), and paragraphs 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy (October 2013), the application for the grant to a Premises Licence in respect of Local Food and Wine, 441 Basingstoke Road, Reading, be refused. The Sub-Committee's reasons were:

- (a) the Sub-Committee does not believe this to be a genuine application as the applicant provided contradictory answers to questions during the hearing;
- (b) the Sub-Committee believes that the applicant is related to one of the directors of the current business and thereby the business could be run on behalf of the current owner;
- (c) by reason of today's hearing it was established that the applicant had made minimal enquiries about the business he is purporting to purchase, which bears direct relevance to the applicant's ability to uphold the four licensing objectives. Whilst the applicant was able to recite the four licensing objectives he was unable to demonstrate how he would implement them;
- (d) the draft lease in the report, purporting to lease the business to the applicant was not legally binding and gave no certainty as to the terms of

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the lease and what would be transferred to the applicant if the licence was granted.

(The meeting started at 9.30am and finished at 2.55pm)