

LICENSING ACT 2003 HEARING - THURSDAY 19th NOVEMBER 2020 @ 0930HRS
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Today's Express
107 Oxford Road
Reading
RG1 7UD

2. Applicants Requesting Review:

Thames Valley Police

3. Grounds for Review

The application is for the review of premises licence (LP2001393) in respect of the above-mentioned premises. The application has been submitted by Thames Valley Police, who are a named responsible authority under the Licensing Act 2003, in regards to the objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.

This application for review has been submitted in order to address the failure of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence or compliance of their licence conditions. These poor processes have led, over an extended period of time, to the regular supply of super strength alcohol (above 6.0% abv beers and ciders) to individuals whom are regularly and overtly involved in street drinking and its related anti-social behaviour in and around the vicinity and local community area related to this premises.

4. Date of receipt of application: 25th September 2020

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

5. Date of closure of period for representations: 23rd October 2020

6. Representations received:

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

Reading Borough Council - Licensing - Attached as **Appendix RS-2**
Chair of Oxford Road Safer Neighbourhood Forum - **Appendix RS-3**

7. Background

The premises is a convenience store with an off-licence located on Oxford Road, just west of Reading town centre. The Licensing Act 2003 premises licence was first granted on 12/10/2005. The licence was transferred to the current owner on 05/06/2013.

The Premises Licence Holder and Designated Premises Supervisor is: **Mr Abdullah Yaqubi**

The premises currently has the benefit of a premises licence. A copy of the current licence is attached at **Appendix RS-4**

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

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

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

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

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

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

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

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

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

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

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

is not within the incidental live and recorded music exemption);

- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

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

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

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

Reading Borough Council Statement of Licensing Policy (2018)

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

Crime and Disorder Act 1998

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to

prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

Review of a premises licence or club premises certificate

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

Licensing Conditions

General Approach

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant/variation of a premises licence or club premises certificate)

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

Enforcement

General Principles

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

9.2 The Authority will carry out its licensing functions with a view to actively promoting the licensing objectives and maintaining public safety. This applies to the dual role the licensing authority has both as the administrator of the process and as a responsible authority.

Enforcement Approach

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

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

10. Summary

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

11. Relevant Case law for consideration

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

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

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

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

12. Appendices

Appendix RS-1: Review Application & Appendices

Appendix RS-2: Representation from Reading Borough Council - Licensing
Appendix RS-3: Representation from Chair of Oxford Road Safer Neighbourhood Forum
Appendix RS-4: Current Premises Licence for Today's Express
Appendix RS-5: Additional Information from Thames Valley Police
Appendix RS-6: Additional Information from Chair of Oxford Road Safer Neighbourhood Forum

APPENDIX RS-1

Reading Borough Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in part 1 below:

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Todays Express 107 Oxford Road	
Post town Reading	Post code (if known) RG1 7UD

Name of premises licence holder or club holding club premises certificate (if known) Mr Abdullah Yaqubi

Number of premises licence or club premises certificate (if known) LP2001393
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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)

☐

Please tick ✓ yes

Other title
(for example, Rev)

First names

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Please tick ✓ yes
☐

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11/11/2011

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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 7TH
Telephone number (if any) 101
E-mail address (optional) Licensing@thamesvalley.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<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. **LP2001393**, Today's Express, 107 Oxford Road, Reading, Berkshire, RG30 1EW

Thames Valley Police submit this application for review in order to address the failure of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence or compliance of their licence conditions. Thames Valley Police that these poor processes have led over an extended period of time to the regular supply of super strength alcohol (above 6.0% abv beers and ciders) to individuals whom are regularly and overtly involved in street drinking and its related anti-social behaviour in an around the vicinity and local community area related to this premises. It is strongly also suspected that the majority of the individuals being sold the alcohol are also intoxicated at the time that the sale occurs.

Reading has a public space protection order (PSPO) in place which identifies street drinking via the consumption of alcohol on the street i.e. not within managed and licensed areas as of direct negative impact to the community. The sale of super strength cheap beers and ciders in the area of the Oxford road is believed by Thames Valley Police to be fuelling incidents of alcohol related crime and disorder in the area and it is of extreme concern and a priority for the Oxford road residents and community. The sale of these products coupled with the poor processes and compliance delivered by this premises licence holder we submit is failing to promote the licensing objectives with specific regard for the prevention of crime and disorder and public nuisance.

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

Today's Express benefits from a premises licence that allows the off sale of alcohol by retail between 0900 hours until 2300 hours Monday to Saturday and between 1000 hours until 2230 hours on Sunday.

It is situated just outside of Reading town centre heading away from town over the inner distribution road (IDR) flyover and is two doors/businesses away from the junction of Zinzan Street and Oxford Road.

This is an area of specific high concern in relation to alcohol related anti-social behaviour linked to the congregation of street drinkers and close to known areas such as the IDR bridge where many sit, consume alcohol and beg.

Thames Valley Police provide the following chronology in order to detail fully the evidence which we intend to rely upon as part of this review process:

31st October 2016 – Thames Valley Police conducted an inspection at the premises in response to a number of community reports that alcohol was being served to street drinkers. This behaviour was then reported to be leading to increased alcohol related anti-social behaviour in the area.

During the inspection general compliance with regards to the minimal conditions attached to the premises was noted. At the time of the inspection staff also verbally indicated that they wanted to prevent alcohol related ASB issues within the community and would work towards that end by ensuring alcohol was not served to drunken individuals.

The resulting inspection recommendations included an input from the Community Alcohol partnership (CAP) which was identified as a beneficial aid to improve both their training and general due diligence measures. (See APPENDIX 1)

8th June 2017 – Thames Valley Police conducted an inspection at the premises and recorded that again training could certainly be improved as the minimum alone was being delivered. In broad terms due to the wording of the licence conditions the inspection overall was generally compliant.

It was also noted that the premises condition requiring a "challenge 21" policy had been improved upon and staff indicated they were implementing a "Challenge 25" policy. However, no written age verification policy was available.

The resulting recommendations on this occasion included tidying up the premises training records, improving the premises training beyond the minimum amounts which were being delivered and updating the authorisation list, along with providing a section 57 notice.

Overall the inspection result was satisfactory. (See APPENDIX 2)

26th April 2018 – Thames Valley Police received intelligence that alcohol was being sold to drunks within the premises. (See APPENDIX 7)

12th May 2018 – Thames Valley Police received further intelligence that alcohol was being sold to drunks within the premises. (See APPENDIX 7)

16th May 2018 – Joint Thames Valley Police and Reading Borough Council inspection and the following refers:

- Staff were unable to operate the CCTV system.
- Training records were incomplete and required updating.

- The age verification policy was out of date.
- No section 57 notice was available.
- Sales of singles sales of high ABV alcohol was highlighted.

During the inspection a data request form was provided requesting footage from the dates that were alleged to have included the service to drunks on 26th April and the 12th may 2018.

*NB This footage request was never fulfilled by the premises licence holder.

(See APPENDIX 3 & 4)

17th May 2018 – Thames Valley Police sent a letter to the Premises Licence Holder (whom is also DPS) at the address stipulated within their premises licence detailing fully the outcome of the premises licence inspection and details of the data protection request. (See APPENDIX 5)

25th August 2020 – Thames Valley Police conducted a premises licence inspection with the Premises Licence Holder/ Designated Premises Supervisor present. The inspection was carried out on body worn video.

The following inspection outcomes refer:

- The refusals register showed a marked decrease in entries compared to previous comparative months.
- A concern surrounding the training provision was raised. We were shown a training log of signatures last updated on the 11th September 2019 but no record of the content of the training was provided. The DPS/PLH could not verbally provide any information as to what the training that was delivered included and instead stated that they use a licensing training course book. On this occasion it was difficult to evidence the content of the training that was provided as Mr Yaqubi (whom it is assumed delivered the training) could not say what elements of the training he delivered.
- During the inspection it was noted that the premises were displaying a "reduce the strength" poster indicating they were supporting a previous voluntary community scheme not to sell super strength alcohol in packs of less than four cans. However, during the inspection a known street drinker entered the store and attempted to select and purchase a single can of the pre-requisite alcohol. Although staff (suspected due to our presence) prevented her from making the purchase on this occasion, her body language and demeanour suggested that under normal circumstances sales such as this were allowed.
- Concerns were raised as during the period of time that our inspection took place a total of four recognised street drinkers regularly involved in alcohol related anti-social behaviour entered the store expecting to purchase high/ super strength alcohol. Again staff refused the sale, but the fact that all of the individuals attempted to make the purchase and gave the impression that they were regularly allowed to purchase the alcohol under normal circumstances suggested that staff were likely regularly serving to drunk individuals.

(See APPENDIX 6)

27th August 2020 – Thames Valley Police sent a letter via recorded post to the address detailed on the premises licence as linked to the Premises licence Holder. The letter details the outcome of the inspection, concerns surrounding lack of due diligence and their supply of alcohol to drunk individuals. The letter also includes the negative impact on the local community that this has and the ability of the PLH to promote the licensing objectives by improving performance and supporting the community to reduce alcohol related ASB.

The letter includes a number of conditions that it is believed are required to be included within the premises licence in order to aid the PLH to improve their due diligence and to better promote the licensing objectives.

Thames Valley Police indicated that as part of a stepped approach that we recommended their inclusion via a minor variation in order address the issues already discussed.

Each condition was specifically devised to address identified concerns in a proportionate manner and reasonable response to promote and not undermine the licensing objectives. (See APPENDIX 7)

11th September 2020 – Thames Valley Police received the recorded letter back as returned to sender “not known at this address”. Therefore, the official letter that was intended to address the concerns at this premises in order to ensure that the licensing objectives were no longer undermined could not be delivered. This indicates that the Premises Licence Holder has failed to update their address on the premises licence as is a requirement of the Licensing Act 2003. (See APPENDIX 8)

*** Please note that Body worn Video footage of the inspection conducted on the 25th August 2020 shall be available and identified as APPENDIX 10 and the premises summary sheet APPENDIX 9.**

Conclusion

Thames Valley Police have undertaken a number of inspections over the previous four years at this premises both singularly and jointly with Reading Borough Council. The outcomes of those inspections have varied considerably from initial general compliance in 2016 and 2017 to reductions in performance over the most recent years.

The premises licence itself contains four very basic conditions which again have been complied with to varying degrees over the years, but arguably very rarely to an acceptable level. Certainly, during the most recent inspections due diligence appears to have decreased, and recommendations for improvement in relation to training and delivery and suitable record keeping to prove evidence of due diligence have failed to be implemented.

Furthermore there has been a constant concern in relation to the service of high strength alcohol to drunk individuals and the potential that this premises licence is undermining the licensing objectives by continuing to serve drunk persons whom cause ASB within the local community by street drinking and begging etc.

During the inspection in 2016 and most recently in 2020 known individuals involved within street and alcohol related ASB were seen by officers entering the premises in high frequency attempting to purchase alcohol. In our submission we believe that that is due to the fact that when officers of the police or the council are not within the premises that under normal “business” these individuals would have been served. This is bolstered by their behaviour when they are not served, as they fully give the impression that they do not expect that outcome and instead purchasing the alcohol would be the “norm”.

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

These include a number of detailed and pointed conditions to aid the PLH in delivering improved processes, and also address the concerns surrounding the provision of high strength beer and cider in order to protect the community.

Unfortunately the PLH has failed to update their premises licence with a correct address for contact with them and the proposal was returned to sender.

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.

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

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

Thames Valley Police recommend that a number of conditions are required to be added to the premises licence to both replace the current four conditions and further them with improved conditions that shall aid the PLH promotion of the licensing objectives.

Our recommended conditions shall be included at the end of our submission.

NB. Please note that although this is the preferred option of Thames Valley Police at this time that the sub-committee may also wish to consider the ability of the PLH/DPS to deliver compliance in relation to our proposed conditions.

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

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

- **Revocation of the licence;**

Thames Valley Police are of the opinion that currently it may be prudent to provide the PLH the opportunity to improve their compliance and promote the licensing objectives via improved conditions and support to increase their compliance.

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

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

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

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

Thames Valley Police would recommend that this option is initially precluded as the PLH is also the DPS and historically basic compliance has been seen. This may suggest that PLH/DPS has the ability to deliver on our recommended measures and simply you may only wish to consider their removal if you have concerns surrounding their overall willingness to implement the relevant change.

Thames Valley Police recommended conditions:

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

- The premises age verification policy
- The Four Licensing objectives
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises.

a) Refresher training shall be provided every 6 (six) months.

b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training, and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.

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

2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:

- Details of the time and date the refusal was made
- The identity of the staff member refusing the sale.
- Details of the alcohol the person attempted to purchase.

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

3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.

a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;

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

5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises.

6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age.

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

8. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

9. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

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

11. The premises licence holder/designated premises supervisor shall ensure that they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.

- I. The Prevention of Crime and Disorder.
- II. Public Safety.
- III. Public Nuisance.
- IV. The Protection of Children from Harm.

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

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

Secretary of States Section 182 Guidance

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

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

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

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

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

Reading Borough Council Statement of Licensing Policy

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant variation of a premises licence or club premises certificate)

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

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

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

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

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

A full transcript of this Case Law is provided:

QBD, ADMINISTRATIVE COURT

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

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

B e f o r e:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

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

(Official Shorthand Writers to the Court)

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

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

J U D G M E N T

(Approved)

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

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

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

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

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

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

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

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

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

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

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

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

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

required.

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

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

24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence. This appeal must be allowed and the respondent's licence must be revoked.

25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.

26. MR JUSTICE JAY: Yes.

27. MR KOLVIN: Should I start with here.

28. MR JUSTICE JAY: Yes.

29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.

30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.

31. MR JUSTICE JAY: It has.

32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application is for £16,185. I know there's not a lot of explanation around my fee, but it was taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single - -

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

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

44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.

45. MR KOLVIN: Thank you.

46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.

47. MR KOLVIN: Thank you, my Lord.

48. MR JUSTICE JAY: On the basis of that schedule.

49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can - -

50. MR JUSTICE JAY: I'll take a broad brush approach to that.

51. MR KOLVIN: Thank you.

52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So with the practice direction in mind, would my Lord be minded to - -

53. MR JUSTICE JAY: Just remind me of the practice direction.

54. MR KOLVIN: Yes, can I hand it up?

55. MR JUSTICE JAY: Yes. **(Handed)**

56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the

	form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.
57.	So that's the situation we're in.. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".
58.	MR JUSTICE JAY: But where's the new principle I've established?
59.	MR KOLVIN: My Lord, what you have said clearly, which hasn't been said before, by dint of the fact that not many licensing cases reach the lofty heights of this building, is that there does not need to have been a prosecution in order for the crime to have - -
60.	MR JUSTICE JAY: Oh, I see. Well that's so obvious it almost goes without saying, that's why it hasn't been said before.
61.	MR KOLVIN: My Lord, it was obvious to everyone except the district judge, the 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.

7

Day	Month	Year

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

If you have made representations before relating to the premises please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 25/09/2020

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

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Shoulder No/Name: PC 5787 Wheeler

Station: Reading

LPA: Reading

Premises Name/Location: Todays Express, 105 Oxford rd, Reading LP2001393

Incident Date: 31/10/2016

Incident Time: 1545 hours

Command & Control URN: N/A

Crime Report(s):
CCTV Seized?
Sources of Information: PC 5787 Wheeler & PS 3280 Pitman

Licensing inspection in response to concerns of ASB linked to the sale of high strength alcohol from this premises to street drinkers.

Part A and B available and on display correctly (LP2001393)

Written alcohol sales authorisation seen

Refusals register was shown and appeared in regular usage

Training records for drunkenness was seen

Staff were seen to serve alcohol on no less than six occasions to persons we knew to be known street drinkers, however none of the persons served appeared drunk at the time.

Staff said they would be happy to work on programs to prevent ASB in their area and that they would be open to joining an RBC style system and to look at ways to prevent to selling to people who drink and cause trouble in the area.

Staff did voice concern that if they start making it difficult for them to buy the alcohol from them or refuse to sell it, that the customers may become aggressive and abusive towards them.

Passed for discussion re improved training via CAP, business linking and monitoring of general business practice, although generally speaking the inspection was compliant.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		Staff member		

PREMISES – RECORD OF INSPECTION DATED:

Licence No:	LP2001393
Name:	TODAYS EXPRESS
Address:	107 OXFORD ROAD READING RG1 7UD
Type:	Premises Licence Club Premises Certificate

Licence Inspection

Summary on Display: ☒ Yes ☐ No Correct Part A/Conditions held at Premises: ☒ Yes ☐ No

Premises Licence Holder: ABDULLAH YAQUBI DPS: ABDULLAH YAQUBI

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

If No, Reason: _____ Authorised Person: SAID KAMAL MASHUMI

Licensable Activities (Carried On)

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

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

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

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

Conditions of Licence/Certificate

Conditions complied with - challenge 21 premises over 25 and exceeds standard.

Summary of Key Points Discussed

Tidy up training records
Update authorisation list.
Improve training beyond minimum requirements ↑ best practice. Refresh.

Document Checklist

☒ Age policy operated 25 ☒ Section 57 NO ☒ Training Records ☒ Authorisation List

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

Inspection Outcome: ☒ Satisfactory ☐ Unsatisfactory

Lead Authority Inspecting Officer(s): PC 5737 [Signature]

Signature of licensee or representative(s): [Signature]

Date of Inspection: 08/06/2017

Time Started: 2050 | Time Ended: 2116



Reading
Borough Council
Working better with you



THAMES VALLEY
POLICE

CONTINUATION SHEET OF ISSUES DISCUSSED:

Challenge 25 - Good verbal knowledge, paper but no written policy.

Training seen, in broad terms complies with licence conditions.
- could be improved.

- Authorisation list in date but old and advice
to re new.

Condition 2 - Incident register.

Training records separate.

Incident register correctly completed.

3) Challenge 21 - uses challenge 25.

5) Training for drink/drug and roadwork rules.
see condition (2)

INSPECTING OFFICER:

PC 5787 WHITAKER

SIGNATURE OF LICENSEE/REPRESENTATIVE:

DATE OF INSPECTION:

02/06/2017

PREMISES – RECORD OF INSPECTION DATED:

Licence No:	LD 200/393
Name:	Barclay Khan
Address:	100 High Street Reading RG1 1AA
Type:	Premises Licence Club Premises Certificate

Licence Inspection	
Summary on Display: <input type="checkbox"/> Yes <input type="checkbox"/> No	Correct Part A/Conditions held at Premises: <input type="checkbox"/> Yes <input type="checkbox"/> No
Premises Licence Holder: <u>Barclay Khan</u>	DPS: <u>Barclay Khan</u>
DPS as per Licence: <input type="checkbox"/> Yes <input type="checkbox"/> No	DPS Present? <input type="checkbox"/> Yes <input type="checkbox"/> No
If No, Reason: <u></u>	Authorised Person: <u></u>

Licensable Activities (Carried On)	
<u>Regulated Entertainment:</u>	Plays Films Indoor Sporting Events Boxing/Wrestling Live Music Recorded Music Performance of Dance Anything Similar
	Are there any gaming machines? If so, how many? <u></u>
	Gaming permit produced and correct? <u></u>
<u>Late Night Refreshment:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No	<u>Sale/Supply of Alcohol:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Location:</u> <u>On</u> <u>Off</u> <u>Both</u>
Does the Licence/Certificate permit activities carried on? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Conditions of Licence/Certificate
<u>1. Licence to operate CCTV system</u> <u>2. Licensed Bar/Club in operation</u> <u>3. Licence Request Form handed to Bar/Club Khan 15/01</u>

Summary of Key Points Discussed
<u>1. Licence Training Document</u> <u>2. Age policy - 21+ only - updating Request</u> <u>3. 3 signs on Premises</u>

Document Checklist
<input type="checkbox"/> Age policy operated <u></u> <input checked="" type="checkbox"/> Section 57 <u>11/1</u> <input type="checkbox"/> Training Records <u></u> <input checked="" type="checkbox"/> Authorisation List <u>YES</u>

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

Inspection Outcome: ☐ Satisfactory ☒ Unsatisfactory

Lead Authority Inspecting Officer(s): Det. Sgt. Sarge & Cpl. Munn

Signature of licensee or representative(s): H. Khan

Date of Inspection:

Time Started: 16:00 | Time Ended: 16:15

FOR OFFICIAL USE ONLY

Premises Scoring

1. Venue Type	20	2. Hours	5	3. Rateable Value	10
4. Compliance: Legislation	20	5. Compliance: Conditions	20	6. Best Practice	30
7. Complaints History	30	8. Confidence	25	Total:	160

Risk Rating: Very High ☐ High ☒ Medium ☐ Low ☐ Very Low ☐

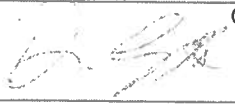
Please consult the scoring guidance note for more information on relevant considerations when scoring premises.

Licensing Profiles – Risk Rating Breakdown

1. Venue Type 60 - Nightclub 50 - Pub etc. (regular dance/music) 40 - Pub etc. (irregular dance/music) 30 - Off Licn & Late Night Take-away 20 - Off Licn (supermarkets) etc. 10 - Restaurants, Hotels etc. 5 - School, Village Halls etc.	2. Hours of Operation 30 - Between 2am & 5 am 20 - Between 12am & 2 am 15 - Between 11pm and 12 am 10 - Between 5am & 7 am 5 - Between 7am and 11 pm 0 - Residents Only	3. Rateable Value 20 - Band D, E 15 - Band C 10 - Band B 5 - Band A
4. Compliance with Legislation 40 - Very Poor (No/very little) 30 - Poor (Few) 20 - Fair (Most) 10 - Good (Almost all) 0 - Excellent (All)	5. Compliance with Conditions 40 - Very Poor (No/very little) 30 - Poor (Few) 20 - Fair (Most) 10 - Good (Almost all) 0 - Excellent (All/No conditions)	6. Best Practice Measures 30 - No Measures 15 - 1/2 Measures 5 - Several Measures 0 - All possible Measures
7. Complaints History 40 - Persistent Complaints 30 - Regular Complaints 20 - Isolated Incidents (>2) 10 - Isolated Complaints (<2) 0 - None	8. Confidence in Operation 60 - No Confidence 40 - Low Confidence 25 - Slight Lack of Confidence 15 - Reasonable Confidence 5 - High Level of Confidence 0 - Total Confidence	

Points	Category	Description	Inspection Freq.
210 +	A	Very High Risk	Every 6 months
160 - 209	B	High Risk	Every 12 months
110 - 159	C	Medium Risk	Every 18 months
60 - 109	D	Low Risk	Every 24 months
0 - 59	E	Very Low Risk	Every 36 months

Check List

Inspection recorded on Amandus/or Flare EVU?	<input type="checkbox"/> Yes Reference:
Inspection Sheet Scanned and Indexed?	<input type="checkbox"/> Yes
Next Inspection Date Diarised?	<input checked="" type="checkbox"/> Yes Next Ins. Date: 21-6-2018
Required Actions Identified?	<input checked="" type="checkbox"/> Yes
If Yes, detail actions taken: Training Records needs updating. HSE Verification policy needs updating. Single Seals High 'Anti' Bar needs attention.	
Officer Sign Off: 	(Officer Name & Signature) D. SMITH
Sign Off Date:	16/05/18

LICENSING DATA ACCESS REQUEST FORM – CCTV IMAGES

APPENDIX 4

Date of request	Date of recording	Time from:	Time to:
16/05/2018	(1) 26/04/2018 and (2) 12/05/2018	1500 0900	1600 1015
Collar no. or Name	Station or Address	URN ref: (Police)	Occurrence ref: (Police)
P5787 Wheeler	C/O Licensing Dept Reading Police Station Castle Street Reading RG1 7TH	N/A	N/A
Contact email: [REDACTED]@thamesvalley.pnn.police.uk			
Contact Tel: [REDACTED]			
Area within premises (Describe as accurate as possible)			
All cameras requested covering the external frontage of the premises, sales service area and all other internal licensable areas within the premises.			
Reason for request (Continue overleaf if necessary)			
Licensing investigation into the alleged sale of alcohol to persons that were intoxicated (drunk) at the time of sales, and whom were involved in street drinking and its related anti-social behaviour within the area which is currently designated.			
Please produce copies of the requested footage no later than Thursday 24 th May 2018 at 09:00 hours to Reading Police Station for attention of the requesting officer.			
Please also be aware this request is consistent with both the data protection Act and condition number 4 on page 14 of your current licence.			
Data Controller - Record action/viewing only/or decision to provide copy (If negative result or request considered unlawful please provide rationale for this decision)			
Date produced:	By whom:	Exhibit reference:	Signature:
Comments:			

The completion of this log is to satisfy the need for audit and continuity of image management as required by the Data Protection Act 1998 & any subsequent judicial proceedings.



APPENDIX 5

Declan Smyth
Licensing Officer
Reading & West Berkshire

Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]@thamesvalley.pnn.police.uk
www.thamesvalley.police.uk

Mr Abdullah Yaqubi
30 Winslet Place
Oxford Road
Reading
RG30 1EW

17th May 2018

Licensing Act 2003
Premises Licence Number: LP2001393
Premises: Todays Express
Premises Address: 107 Oxford Road, Reading, RG1 7UD

Dear Mr Yaqubi,

On the 17th May 2018 I visited your premises with a colleague from Reading Borough Council to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The licensing inspection was carried out with Mr Bashar Khan.

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

- 1) No Section 57 notice could be located. This notice states where Part A of your premises licence is kept and who has custody of it. This is an offence under Section 57 of the Licensing Act 2003 and should be rectified immediately.
- 2) There was little evidence of any age policy being operated at the premises. The mandatory conditions attached to your premises licence clearly state that the premises licence holder must ensure that an age verification policy is adopted at the premises in relation to the sale of alcohol and must ensure that all sales are carried out in accordance with that policy. Failure to do this is a breach of the mandatory conditions attached to your premises licence and should be rectified immediately. I have noted that you had on display a Challenge 25 poster but no current policy, the last update was on 22nd June 2014
- 3) There was poor evidence of staff training in regard to licensing matters. You are strongly recommended to undertake such training with your staff. It is recommended that any training be refreshed on a regular basis. This need to be signed and dated
- 4) Staff seemed unaware of the four licensing objectives. You are a personal licence holder and part of that course is spent learning about and understanding the licensing objectives. All premises licence holders should be

Serving with Pride and Confidence

actively promoting the licensing objectives. If you do not know what they are then you cannot be actively promoting them. You are advised to refresh yourselves of these objectives and train your staff accordingly.

5) It was noted that you had a working CCTV system with 7 cameras. I requested information for 2 separate dates, Mr Bashar Khan was unable to provide this because he did not know how to operate the system. As a result I handed to him a Data Request Form detailing what you now must produce to the reception at Reading Police Station, Castle Street. Failure to comply will be a breach of the premises licence Annex 3, condition 4 on page 14

6) In the beer fridge you had single cans of high strength beer (9% abv) for sale.

Whilst we are considering what, if any, further action needs to be taken in relation to the visits of 17th May 2018 you are advised to rectify the above as soon as possible. Once you believe the above matters have been rectified then please notify me.

Yours faithfully

Mr Declan Smyth
Licensing Officer

PREMISES – RECORD OF INSPECTION DATED:

Licence No:	L02001393
Name:	TODAY'S EXPRESS
Address:	107 OXFORD RD. RG1 7UD.
Type:	Premises Licence Club Premises Certificate

Licence Inspection

Summary on Display: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Correct Part A/Conditions held at Premises: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Premises Licence Holder: ABDULAH YAOUBI	DPS: SANE
DPS as per Licence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DPS Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If No, Reason:	Authorised Person:

Licensable Activities (Carried On)

<u>Regulated Entertainment:</u>	Plays Films Indoor Sporting Events Boxing/Wrestling Live Music Recorded Music Performance of Dance Anything Similar
	Are there any gaming machines? If so, how many? _____ Gaming permit produced and correct? _____
<u>Late Night Refreshment:</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Sale/Supply of Alcohol:</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Location:</u> On Off Both
Does the Licence/Certificate permit activities carried on? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Conditions of Licence/Certificate

② Incident register - newists - question reduction
⑤ New and written training

Summary of Key Points Discussed

Levels of street drinking - ↓ ABV as per signage - Improving training ↓ CONCERN SERVICE TO STREET DRINKERS
--

Document Checklist

<input checked="" type="checkbox"/> Age policy operated 25	<input checked="" type="checkbox"/> Section 57	<input checked="" type="checkbox"/> Training Records ^{only}	<input checked="" type="checkbox"/> Authorisation List
--	--	--	--

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

Inspection Outcome: ☐ Satisfactory ☒ Unsatisfactory

2/4.

Lead Authority Inspecting Officer(s): PC 5787 WHICEUR.

Signature of licensee or representative(s):

Date of Inspection: 25/08/20

Time Started: 1622 | Time Ended: 1702



Reading
Borough Council
Working better with you



THAMES VALLEY
POLICE

CONTINUATION SHEET OF ISSUES DISCUSSED:

Training last updated 11/09/19 -

Nothing since 11/09/19 - state: hours for license
course book

Refusal log seen - last completed now -
day state issues reduced / due to challenging drinks

Conditions:

① ✓

②

Manual records

③ ✓

④ ✓

⑤

Recommend specific training

(Camera not back in working)

Drunk inspection 4 x manual street
drunk: Attention to police noted ..

INSPECTING OFFICER:

PC 5787 WINEKILL

SIGNATURE OF LICENSEE/REPRESENTATIVE:

DATE OF INSPECTION:

25/08/20



APPENDIX 7

PC 5787
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 [REDACTED]

Email: [REDACTED]

[REDACTED]@thamesvalley.pnn.police.uk

Mr Abdullah Yaqubi
30 Winslet Place
Reading
Berkshire, RG30 1EW

Thursday 27th August 2020

Licensing Act 2003

Premises Licence Number: LP2001393

Premises: Todays Express

Premises Address: 107 Oxford Road, Reading, Berkshire, RG1 7UD

Dear Mr Yaqubi

On the 25th August 2020 I inspected your premises licence accompanied by Mr Richard Hall from Reading Borough Council.

During the inspection I was assisted by the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) Mr Yaqubi.

During the inspection some areas of concern were identified as follows:

1. Condition 2 of your premises licence refers to the requirement to complete a refusals register/log. A log was shown to us during the inspection and it showed a significant decrease of entries pertaining to refusals compared to previous months. Mr Yaqubi stated this was due to staff challenging street drinkers in the past which had led to less attempts to purchase alcohol. However I observed four street drinkers enter the premises during this inspection alone whom were all refused service whilst we were present. This suggested that not only do persons from the street drinking fraternity regularly frequent the premises, but that their actions suggested this was a regular occurrence. The refusals log did not therefore reflect the suspected frequency of intoxicated individuals attempting to purchase alcohol within the premises.
2. Condition 5 of your premises licence refers to the requirement for training in relation to ensuring that no underage drinking or drunkenness occurs on the premises and a record shall be kept at all times. During the inspection we were shown a signature list purporting to be showing the record of training for staff. The last signed entry was dated the 11th September 2019 and did

not provide evidence of the content of the training. Mr Yaqubi stated that he uses the Licensing Course training boom to provide the training. However, we note that there is no record of this and no record of which elements of the book are trained and using which method of structured training. No refresher training records or content were available.

Furthermore, it was noted that you had previously agreed voluntarily as part of the "Reducing the Strength" campaign that "no sales of single cans of strong beer and cider of an ABV over 6.5%" would take place. I observed the signage displayed above your till area to this effect. However, during our visit a female was observed entering the shop and taking a single can from the display as though this was a regular occurrence for her. She was then challenged by staff as we were present at the time.

It is suspected that the voluntary arrangement may not in reality be being utilised and this assertion may be supported by the fact that three further recognised street drinkers entered your premises and attempted to purchase alcohol. This scenario only appeared to cease when the shop was then closed by a staff member.

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

Therefore, in order to address our concerns relating to poor training processes, record keeping for training and refusals of sales; as well as the sale of super strength alcohol to drunks and street drinkers we propose the following conditions to specifically address these issues and replace the current conditions 2-5 on your premises licence. You shall note that we have provided an updated Challenge 25 condition to reflect your current good practice in this area to utilise Challenge 25, and also updated the CCTV condition which adds in the caveat protection for you, "subject to the provisions of the data protection act":

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

- The premises age verification policy
- The Four Licensing objectives
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises.

a) Refresher training shall be provided every 6 (six) months.

b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training, and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.

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

2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:

- Details of the time and date the refusal was made
- The identity of the staff member refusing the sale.
- Details of the alcohol the person attempted to purchase.

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

3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.

a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;

4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. 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 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.

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

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.

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

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

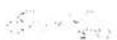
You may also be aware that Reading has a Public Space Protection Order (PSPO) in place which identifies the street consumption of alcohol as an issue serious enough to be included within the local legislation, and of course your agreement to reduce the strength of alcohol that you sell would also support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

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

We are willing to discuss this with you via the telephone or to meet with you as part of a formal performance meeting process? You may also wish to obtain some licensing advice in the meantime. However, we would ask that you please contact us no later than Thursday 10th September 2020 with your written formal decision via the email provided at the head of this letter.

Thames Valley Police are making this proposal as part of a formalised stepped approach. As such a failure to address the identified concerns in this letter via the manner proposed (via voluntary agreement) may result in further action being considered if it is deemed necessary to ensure the promotion of the four licensing objectives.

Yours Faithfully



PC 5787 Simon Wheeler

MR ABDULLAH YAQUIZ
30 WINGLET PLACE
READIN
BECK WIRE
R430 NEW

Not known
177 1715
55-25-55





Licensed Premises Summary Report

TODAYS EXPRESS

107 Oxford Road, Reading, RG1 7d

Events dated between 01 January 2013 and 24 September 2020

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

Incident: Intoxication

Date/Time: Monday 18 August 2014 - 09:08

Ref(s): UIRN 368

Report from MOP regarding a male who was challenged for drinking in the street. Premises visited but CCTV replaced on 22 July 2014. Suitable words of advice given.

Premises Response: Unknown

Engagement: Visit by Police

Date/Time: Tuesday 28 April 2015

Licensing check.
Check completed. Follow up visit required.

Incident: Breach of Licence

Date/Time: Wednesday 23 September 2015 - 13:45

Ref(s): Special Brew and left.

Ref(s): URN 563

Premises Response: Negative

Ref(s) was approached by a drunken woman for money and was refused. The female entered the sig and bought a

Incident: Assault - Less Serious

Date/Time: Wednesday 20 July 2016 - 17:10

Ref(s): URN 1281

Report of a female punching a chewing gum machine after being refused to serve her any more alcohol. As Police have arrived the offender had left. No direction of travel.

Premises Response: Positive

Operation: Test Purchase

Date/Time: Thursday 25 August 2016

Ref(s)
Part of the Reading Festival Test Purchase Operation.

Engagement: Visit by Police Date/Time:

Monday 31 October 2016

Licence compliance check.
A/O: Agreed to participate in an attempt to reduce ASB in the area.

Engagement: Visit by Police Date/Time:

Thursday 08 June 2017

Licensing inspection completed
Conditions complied with and good general admin - inspection sheet within premises folders.

Incident: Intoxication

Date/Time: Thursday 26 April 2018 - 15:40

Niche Ref(s): N/A

Ref(s): N/A

Intel Grading: E41

Ref(s) received regarding the sale of alcohol to drunks - Details within premises folder

Premises Response: Unknown



THAMES VALLEY POLICE

Licensed Premises Summary Report

TODAYS EXPRESS

107 Oxford Road, Reading, RG1 7d

Events dated between 01 January 2013 and 24 September 2020

PLEASE NOTE: The information below is OFFICIAL + SENSITIVE and should not be shared outside of Thames Valley Police without the express consent of the Licensing Team. The records in this summary are derived from a variety of sources; in some cases, multiple records may relate to the same incident and should not necessarily be counted individually. The report relates only to events which have been entered on ~~APR/20~~ at the time of the report being run and may not be a comprehensive list. All data entry is at the discretion of the Licensing Team.

Incident: Intoxication

Referral received regarding the sale of alcohol to drunks

Date/Time: Saturday 12 May 2018 - 09:30

Details within premises folder

Niche Referral: N/A

Premises Response: Unknown

Upo Referral: N/A

Intel Grouping: C41

Engagement: Visit by Police Date/Time:

Wednesday 16 May 2018

Reports of sales to street drinkers - people who are intoxicated - individual high strength beer sales
DPS not present - assistant unable to use CCTV - incomplete training

Engagement: Visit by Police

Inspection

Date/Time: Tuesday 25 August 2020

Concerns re street drinkers alcohol supply, 4 x street

Drinkers entered during inspection to attempt to buy

Alcohol

Engagement: Letter sent by Police (Tier 2)

Date/Time: Thursday 27 August 2020

Letter sent requesting agreement to add conditions via minor variation.

Letter sent - awaiting response

APPENDIX RS-2

LICENSING TEAM REPRESENTATION

Name of Officer	Peter Narancic Senior Licensing and Enforcement Officer						
Type of Application	Review of a Premises Licence - Licensing Act 2003						
Name of Premises	Todays Express						
Address	107 Oxford Road, Reading RG1 7UD						
Licensable Activities	Sale of Alcohol by Retail - Off the Premises						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X	X	X	X	X	X	X
<p>Content of Application:</p> <p>On 26 September 2020 Thames Valley Police submitted an application to review the premises licence of Todays Express, 107 Oxford Road, Reading RG1 7UD regarding the failure to uphold the licensing objectives.</p> <p>Reading Borough Council, acting as a responsible authority, is making this representation in support of Thames Valley Police in relation to the review of the premises licence for Todays Express.</p> <p><u>Background</u></p> <p>The premises operates as an off licence/convenience store. The premises licence holder and designated premises supervisor at the time of this submission are stated as Mr Abdullah Yaqubi, Winslet Place, Oxford Road, Reading, RG30 1EW. He has been in place since 2013.</p> <p>The premises licence pursuant to the Licensing Act 2003 which permit the provision of the sale of alcohol.</p> <p><u>Hours for the Sale by Retail of Alcohol (Off licence)</u></p> <p>Monday to Saturday from 0900hrs until 2300hrs Sunday from 1000hrs until 2230hrs Good Friday from 0900hrs until 2230hrs Christmas Day from 1200hrs until 1500hrs and 1900hrs until 2230hrs Hours open to the Public</p>							

Monday to Saturday 0700hrs until 2300hrs
Sunday from 0700hrs until 2230hrs

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

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

Licensing Officer's Comments:

The Licensing team in partnership with Thames Valley Police jointly visit and inspect licensed premises within the borough of Reading. Particular attention is paid to premises where there have been previous incidents where the Licensing Objectives have not been supported.

The Oxford Road stretches over 3 miles from Reading town centre, west towards Purley on the A329. Unfortunately, this road and its surrounding areas suffer from high levels of crime and anti-social behaviour including street drinking, drug usage, prostitution, begging, graffiti and assaults. Oxford Road falls with a Public Space Protection Order (PSPO) which identifies street drinking of alcohol and its associated anti-social behaviour as having a direct negative impact on those that live and work in the area. The sale of super strength beers and ciders via retailers with poor processes and a lack of due diligence only exacerbates the issues. The low cost of some of these products, (in the region of £1.30 to £2 per can) and the fact that they can be two times stronger than many other beers and ciders, greatly appeals to 'problem drinkers'. These problem drinkers save up just enough money from activities like begging to purchase a single can that is then consumed outside, or nearby, the premises while they save up enough money for another can. During this time the individuals are getting more intoxicated which can lead to intimidating behaviour, public indecency and general public nuisance.

Licensing records show these premises have been visited on several occasions since 2013. During a joint visit with TVP on 16 May 2013 and 19 June 2013 revealed the following summary of issues.

A suspected illegal worker named Mr Patia Rasul who initially gave his name as Mr Yaqubi, was found in the premises. Unfortunately, he left the shop unexpectedly before the real Mr Yaqubi arrived, with the shop keys. On arrival Mr Yaqubi could not confirm if Mr Rasul had a right to be working in the UK. Clearly, right to work checks were not being carried out by Mr Yaqubi. It was also discovered that the premises had been purchased from Mr Butt but had not been legally transferred to Mr Yaqubi, although he had control of the premises and staff. The officer was concerned that neither parties had contacted the Council about the sale. The premises licence for

Today's News was officially transferred on 5 June 2013. It is the duty of any responsible employer to ensure that the correct right to work checks are carried out.

Other issues

1. No staff training records.
2. Problems with operating the CCTV system.

Follow up visit 19 June 2013

Issues found

1. No training records
2. CCTV not storing recordings for 31 days
3. No age verification policy in place.
4. A member of public was seen walk in and to accessed alcohol from a store room which was unlocked. He then walked out unchallenged by staff.

A warning letter was sent to Mr Yaqubi. No written reply was received to the letter, therefore no more information was offered by Mr Yaqubi in respect of the suspected illegal worker. A copy of the letter is attached as APPENDIX PN-1.

On 30 June 2014, the premises were visited again by a Licensing officer to check the prices being charged for various alcoholic drinks. The officer noted that a number of prices charged for the sale of high strength 9% ABV beers appeared too low and therefore were in breach of the then newly introduced mandatory condition. Advice was given. A copy of the Licensing letter is attached as APPENDIX PN-2.

On 25 August 2016, the premises passed a Trading Standards underage test purchase exercise. A copy of the Trading Standards letter is attached as APPENDIX PN-3

On 7 August 2020, the premises were visited by a Licensing Officer and the following issues were found:

1. Incident book was not being used.
2. Staff member was unable to operate CCTV system.
3. No staff training records.

A copy of the Licensing letter is attached as APPENDIX PN-4

On 29 August 2020, the officer re-visited and found the premises compliant.

General

Breach of premises licence conditions

Under the Licensing Act, each and every breach of condition is a criminal offence and means that licensable activity is being carried on not in accordance with an authorisation. Each breach of condition is contrary to Section 136 (1) of the Licensing Act 2003. It is worth remembering a further two points: Firstly, that conditions are attached to a premises licence as they are deemed appropriate and proportionate to promote the four licensing objectives at that premises.

Illegal Workers

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

Change of address

Section 33(6) of the Licensing Act 2003 states failure by the premises licence holder to notify licensing authority of change in name or address of premises licence holder or designated without reasonable excuse is classed as an offence and attracts a level 2 fine.

Exposed alcohol

It is noted that the premises is open to the public at 0700 hours each day, however the sale of alcohol is permitted from 0900 hours Monday to Saturday, and from 1000 hours on Sundays (apart from Bank holidays). Therefore the premises is open for two hours each morning Monday to Saturday and three hours on Sunday where uncovered alcohol is displayed and exposed for sale in the premises (confirmed by Mr Yaqubi). In the long term, it may be advisable for Mr Yaqubi to apply for a variation of premises licence to have the same opening and sale of alcohol hours.

Section 137 of the Licensing Act 2003, makes it an offence where there is no sale or attempted sale of alcohol but the alcohol is exposed for an unauthorised sale. This is likely to occur where alcohol is exposed outside the authorised hours. If a person is convicted of this offence, Section 139, provides the defence of due diligence, and if a person is convicted of this offence it is a summary conviction to a term not exceeding six months or to a fine not exceeding £20,000 or both. In addition, the court may order that the alcohol in question be forfeited or destroyed or dealt with in such a manner as the court may order.

Summary

The Licensing team is very concerned that Mr Abdullah Yaqubi, the premises licence holder since 2013 has clearly failed to uphold the licensing objectives over a number of years.

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

and visitors”.

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

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

It is the Licensing team’s respectful submission that the only appropriate and proportionate step to promote the licensing objectives and safeguard the public as a whole, is for the licence for Todays Express, 107 Oxford Road, Reading to be have more robust improved conditions attached to the premises licence and a period of suspension to fully implement all requirements before reopening.

Recommended conditions

1. The premises licence holder shall use secure screening shutters to cover all alcohol while the premises is open to the public outside the permitted hours for the sale of alcohol.
2. Staff employed and authorised to sell alcohol shall undergo training upon induction. This training shall include, but not be limited to:-
 - Understanding of the four licensing objectives
 - The premises age verification policy (Challenge 25)
 - Dealing with refusal of sales
 - Proxy purchasing
 - Recognising valid identity documents not in the English language • Identifying attempts by intoxicated persons to purchase alcohol • Identifying signs of intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises
 - Drug Policy and substance awareness, recognise their effects and types of drug paraphernalia i.e. any equipment, product or accessory that is intended or modified for making, using, or concealing drugs, bongs, pipes, clips, grinders, plastic baggies and similar items”
 - Child Sexual Exploitation

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

3. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:

- Proof of identity (such as a copy of their passport)
- Nationality
- Current immigration status

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

4. (Option 1) Singular condition

No beers, lagers and ciders of 6.0% ABV (alcohol by volume) and above shall be sold at any time during permitted licensing hours.

(Option 2) Three part condition

- The premises licence holder shall not sell super strength beers, lagers or ciders with an alcohol content of 5.5% ABV (alcohol by volume) or greater.
- All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.
- There shall be no self-service of spirits except for spirit mixtures

Date Received	26.09.2020	Date Due	23.10.2020
	<i>Peter Miranovic</i>	Date	22.10.2020

VERSION3



Amar Dave
Interim Director of Environment,
Culture and Sport

Civic Centre, Reading, RG1 7AE
☎ 0118 9373 737

Fax: 0118 9372 557

Our Ref: LIC/PN/050535

Your Ref:
Direct: ☎ 0118 9372269
e-mail: peter.narancic@reading.gov.uk

Abdullah Yaqubi
Premises Licence Holder
Todays Express
107 Oxford Road
Reading
Berkshire
RG1 7UD

24 June 2013

Your contact is: Peter Narancic, Licensing and Environmental Protection

Dear Mr Yaqubi

Licensing Act 2003
Premises Licence Number - LP 8000151
Name of Premise - Butt's Convenience Stores
Address - 107 Oxford Road, Reading, Berkshire.

Inspection Thursday 16 May 2013

On the above date, I visited your premises, with Mr Mike King, who is a Licensing Officer with Thames Valley Police, to ensure you are complying with the above premises licence and conditions to advise on any matters that may arise during the inspection. Initially I spoke with two employees, one of whom gave me your name, before you informed me he was called Mr Patia Rasul. Unfortunately he left the shop unexpectedly before you arrived. Later you told me that you had purchased the business from Mr Butt but had not applied to transfer the premises licence into your name, however you were already in control of the premises and staff.

I am concerned that neither you or Mr Butt had contacted the Council about the sale, before we visited you. The premises licence for for Todays News was officially transfered to you on 5 June 2013.

During my inspection, I found the following items that require your attention as outlined below.

1. You could not show me the training records for each staff member as required by the terms and conditions of the premises licence.
2. You could not show me that all staff were adequately trained in procedures to ensure that no underage drinking or drunkenness occurs on the premises and a record of all training was being kept.

3. You had problems with operating the CCTV system. It took chasing from me and Thames Valley Police to get a copy of the recording of the staff member who left the shop.
4. Please ensure that you and your staff adhere to all the terms and conditions attached to your premises licence. A copy is attached to this letter.
5. Please inform me to what action you have taken in regard to your employee, Mr Patia Rasul who walked out of the shop. Did you report the theft of your shop keys to Thames Valley Police and if not why not?

Inspection Wednesday 19 June 2013

On the above date, I visited your premises, with Mr Mike King, Licensing Officer with Thames Valley Police.

During my inspection, I found the following items that require your attention as outlined below.

- 1 You did not written training records available for each staff member as required by the terms and conditions of the premises licence.
- 2 Your CCTV appears not to store recordings for 31 days as required by your premises licence. Please ensure that your system is upgraded to ensure the CCTV is properly working and complies with your conditions. Please supply an engineers report Ensure all staff are able to use the equipment. Please ensure that you display yellow CCTV warning signs in your store.
- 3 You did not have an age verification policy in place.
- 4 During our visit a member of public walked into the store, and was able to access your alcohol store room which was unlocked and walk out unchallenged. Please investigate this incident and come back to me with an explanation to what happened. This is an extremely worrying matter, please ensure that customers are not able to access private areas of your shop.

This letter is sent and should be received as a warning against any future breaches of the terms and conditions of your premises licence. Should any future breaches occur, formal action may be considered. As Reading Borough Council and Thames Valley Police have concerns in the way the business is currently operating, we will be asking you to attend a Performance meeting at the Police Station in the near future.

Recommendations

As you are aware there is a local problem of drunkenness in Oxford Road area. In the circumstances, and in light of the issues we have found at your shop, we strongly suggest you do not sell single cans of beer or lager. All sales should be a minimum of four cans.

Please ensure that your fire risk assessment is up to date and carry out any necessary staff re-training to ensure that your staff are fully aware of all issues regarding fire safety in your premises. For more information, go to www.fire.gov.uk/Workplace+safety/WhatTheLawRequires/

Please ensure that your health and safety risk assessment is up to date. For more information, go to <http://www.hse.gov.uk/business/policy.htm>

Please ensure that above items are actioned within the next seven days.

Should you wish to discuss the issues, please telephone me on the number above, during office hours.

Yours faithfully

Peter Narancic
Senior Licensing & Enforcement Officer

Enclosure

Part A Premises Licence

Cc Mr Mike King, Licensing Officer, Thames Valley Police

Age Verification (commencement 1st October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the supply of alcohol.

(2) The policy must require individuals who appear to the responsible person, as defined within the meaning of Section 153 (4) of the Licensing Act 2003, 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 a holographic mark.

Annex 3

Conditions attached after a hearing by the Licensing Authority

1. Whilst being the Designated Premises Supervisor for the premises, the Premises Licence Holder shall not be the same for any other premises;

2. The Premises Licence Holder shall provide an incident register to record all staff training and all incidents which are incompatible with the licensing objectives occurring at the premises, for instance refusal of entry and refusal of sale of alcohol. The name of the person dealing with the incident shall be recorded;

3. The Premises Licence Holder shall ensure that any customer who is, or appears to be, under the age of 21 years, will be challenged to prove their age. A valid British driving licence with a photograph, passport or proof of age card bearing the 'Pass' hologram are acceptable and shall be required to be produced by any person appearing to those selling or supplying alcohol, to be under 21 who is attempting to buy alcohol;

4. The premises shall have installed by 1 December 2008 a working digitally recorded CCTV system. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. DAT recordings shall be made available immediately to an authorised officer of Reading Borough Council or Thames Valley Police, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person;

5. All staff must be adequately trained in procedures to ensure that no underage drinking or drunkenness occurs on the premises and a record of all training shall be kept at all times on the premises and be made available to the police and officers of Reading Borough Council upon request.

APPENDIX PN-2



Alison Bell
Director of Environment and
Neighbourhood Services
Reading Borough Council, Civic Offices,
Reading, RG1 7AE
SMS TEXT: 81722
☎ 0118 937 3737

Fax: 0118 9372 557

Our Ref: ES/LIC/

Direct: ☎ 0118 9373 762
e-mail: jean.champeau@reading.gov.uk

Date 1 July 2014

Your contact is: Jean Sebastien Champeau, Licensing and Environmental Protection

Dear Mr Abdullah Yaqubi

LICENSING ACT 2003

NAME OF PREMISES: Todays Express

ADDRESS OF PREMISES: 107 Oxford Road Reading

New Mandatory condition re permitted pricing.

On the 30 June 2014 I visited your shop to view the prices being charged for various alcohol drinks. I noted that a number of prices charged for the sale of 9% beers appeared below the new mandatory condition.

Beers such as 500ml cans of Special Brew, Skol Super and Tenants super should have a base price of £1.30 each, any multi packs must also have the same base.

I have enclosed information regarding this matter and a copy of the new mandatory conditions, please review your prices and insure that you comply with the new condition.

Please call me if you have any questions

Yours sincerely

Jean Sebastien Champeau
Senior Licensing Enforcement Officer

Mr Abdullah Yaqubi
Todays Express
107 Oxford Road
Reading
RG1 7UD

Alison Bell
**Director of Environment and
Neighbourhood Services**
Civic Offices, Bridge St, Reading, RG1
2LU
☎ 0118 937 3787
Fax: 0118 9372557

Our Ref: 052574

Direct: ☎ 0118 9372477
e-mail: ian.savill@reading.gov.uk

31 August 2016

Your contact is: Ian Savill - Environment and Consumer Services

Dear Mr Yaqubi

Under Age Sales
Test Purchase Exercise of 25/08/2016
Todays Express, , 107 Oxford Road, Reading, , RG1 7UD

I am pleased to inform you that your shop passed a test purchase exercise for alcohol on the above date at approximately 1100 hours. I hope you are able to trace the member of staff from the date and time.

This is an opportunity to draw good practice to the attention of other members of staff. You should also check your refusals register (if you maintain one) to ensure an entry has been made. You may still be subject to a further test purchase exercise in the near future and you should ensure you maintain your vigilance on under age sales.

If you would like to discuss the result or any aspect of age related sales, we are here to help and you are welcome to contact me at the above address.

Yours sincerely

Trading Standards Officer

APPENDIX PN-4

Wed 12/08/2020 10:58

Dear Mr Abdullah Yaqubi,

Licensing Act 2003

Premises Name: Todays Express

Premises Address: 107 Oxford Road, Reading, , RG1 7UD

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:

- No incident book seemed to be in operation at the premises. You are advised to action this so that any incidents are recorded.
- Condition 4 on page 14 states that the CCTV system should provide coverage of the licensable area; records for a minimum of 31 days and has the correct date and time. This not only promotes the prevention of crime and disorder licensing objective but is also important for staff and customer safety. Mr Paryadi did not know how to operate the CCTV Please ensure that this is rectified.
- Condition 5 on page 14 of your licence in respect of staff training was not being complied with. No staff training records could be located, and it was not clear through questioning what, if any, training had taken place. This is a breach of condition and should be rectified 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 Anthony Chawama by email on anthony.chawama@reading.gov.uk so that he can arrange a re-inspection if required.

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

Reading Borough Council

Civic Centre

Bridge Street
Reading
RG1 2LU

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



APPENDIX RS-3

Wed 21/10/2020 11:02

Dear Licensing

Please record the following representation in connection with the premises license review ongoing for Today's Express, 107 Oxford Road.

I write on behalf of the Oxford Road Safer Neighbourhood Forum.

Today's Express is a popular convenience store which is well-used by many sections of the community.

The area immediately around these premises has, along with other locations on and around Oxford Road, problems with anti-social and criminal behaviour by street drinkers. They are seen to gather outside the premises, causing distress to passing pedestrians and local residents. One or more will enter to buy alcohol, and the group will set off around the streets drinking until they run out, and congregate again outside the premises. The purchases are frequently funded by begging, and are generally of single cans of strong beer or cider.

The individuals are often obviously intoxicated and a properly-run outlet should refuse to serve them. It's concerning that this outlet does not seem to have a functioning refusal system.

Experience of premises further along Oxford Road has demonstrated that a license condition preventing sale of > 6% ABV beer and cider reduces the ASB in the immediate area.

In the pursuance of the licensing principles of the Prevention of Crime and Disorder and the Prevention of Public Nuisance, the Safer Neighbourhood Forum specifically supports Thames Valley Police's request for a license condition preventing sale of beer and cider above 6.0% ABV. Any other conditions which help enforce this premises' operation in pursuance of all 4 licensing objectives are also welcome.

Peter Bowyer
Chair, Oxford Road Safer Neighbourhood Forum



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	LP2001393
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Premises Details

Trading name of Premises and Address	
Todays Express 107 Oxford Road Reading Berkshire RG1 7UD	
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 0900hrs until 2300hrs
Tuesday	from 0900hrs until 2300hrs
Wednesday	from 0900hrs until 2300hrs
Thursday	from 0900hrs until 2300hrs
Friday	from 0900hrs until 2300hrs
Saturday	from 0900hrs until 2300hrs
Sunday	from 1000hrs until 2230hrs
Good Friday from 0900hrs until 2230hrs	
Christmas Day from 1200hrs until 1500hrs and 1900hrs until 2230hrs	

Opening Hours

Hours the Premises is Open to the Public	
Monday	from 0700hrs until 2300hrs
Tuesday	from 0700hrs until 2300hrs
Wednesday	from 0700hrs until 2300hrs
Thursday	from 0700hrs until 2300hrs

Friday	from 0700hrs until 2300hrs
Saturday	from 0700hrs until 2300hrs
Sunday	from 0700hrs until 2230hrs

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 Abdullah Yaqubi

Address: [REDACTED]

Additional Details

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

Name: Mr Abdullah Yaqubi

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: LP7002253

Issuing Authority: Reading Borough Council

This Licence shall continue in force from **05/06/2013** unless previously suspended or revoked.

Dated: 5 June 2013

Head of Environment & Consumer Services

Mandatory Conditions

Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol

- 1 No supply of alcohol may be made under the premises licence:-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 2 Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Film Exhibitions

To be applied only where a premises licence or club premises certificate authorises the exhibitions of films

- 1 The admission of children to any exhibition of any film must be restricted in accordance with section 20 of Part 3 of the Licensing Act 2003.
- 2 In the case of films which have been classified by the British Board of Film Classification admission of children to films must be restricted in accordance with that classification.
- 3 In the case of films which have not been classified by the British Board of Film Classification, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

Door Supervisors

To be applied where a premises licence or club premises certificate includes a condition that any person must be at the premises to carry out a security activity. [Except premises with a premises licence authorising only plays or films or premises used exclusively by a club].

- 1 Each individual present at the licensed premises to carry out a security activity must be licensed by the Security Industry Authority.

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

- 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

Age Verification Policy (commencement 01/10/2014)

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Permitted Pricing (commencement 28th May 2014)

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

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

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

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

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

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

Licensing Act 1964

Children & Young Persons Act 1933

Cinematograph (Safety) Regulations 1955

Cinemas Act 1985 - Film Exhibition Licence Conditions

Sporting Events (Control of Alcohol etc) Act 1985

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

Acts applicable to this licence for the purposes of embedded restrictions
--

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

Licensing Act 1964

Licensing Act 1964

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

On-licences - Permitted hours

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

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

2 The above restrictions do not prohibit:

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

s. 60, 63, 86

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

- 1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:
- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
 - b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
 - c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - d) On Good Friday, 8 a.m. to 10.30 p.m.
- 2 The above restrictions do not prohibit:
- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

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

Club premises - Permitted hours

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

- (b) during the first twenty minutes after the above hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;
- (d) the supply to, or consumption by, any person of alcohol in any premises where they are residing.

S.86A

Ports - Permitted Hours

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

S87

Airports - Permitted Hours

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

S95

Restaurant licence. Restaurant and residential licence - Permitted Hours

1 Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

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

1 Alcohol may be sold or supplied:

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

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

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

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

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

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

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

2 The above restrictions do not prohibit:

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

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

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

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

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

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

S164**Off - Licence - Alcohol Consumption**

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

S166**Licensed Premises - Credit Sales**

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

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

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

(c) to a canteen or mess.

Licensed Canteens & Club Premises - Credit Sales

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

S.168, 171, 201

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

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

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

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

S.168, 171, 179, 201

Seamen's Canteens - Children in Canteens

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

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the canteen solely for the purpose of passing to or from some part of the premises which is not a canteen and to or from which there is no other convenient means of access or egress.
- (4) The canteen is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the canteen licence is ancillary.

On-licensed premises with children's certificates

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

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

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

Annex 2

Conditions Consistent with the Operating Schedule

N/A

Annex 3

Conditions attached after a hearing by the Licensing Authority

1. Whilst being the Designated Premises Supervisor for the premises, the Premises Licence Holder shall not be the same for any other premises;
2. The Premises Licence Holder shall provide an incident register to record all staff training and all incidents which are incompatible with the licensing objectives occurring at the premises, for instance refusal of entry and refusal of sale of alcohol. The name of the person dealing with the incident shall be recorded;
3. The Premises Licence Holder shall ensure that any customer who is, or appears to be, under the age of 21 years, will be challenged to prove their age. A valid British driving licence with a photograph, passport or proof of age card bearing the 'Pass' hologram are acceptable and shall be required to be produced by any person appearing to those selling or supplying alcohol, to be under 21 who is attempting to buy alcohol;
4. The premises shall have installed by 1 December 2008 a working digitally recorded CCTV system. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. DAT recordings shall be made available immediately to an authorised officer of Reading Borough Council or Thames Valley Police, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person;
5. All staff must be adequately trained in procedures to ensure that no underage drinking or drunkenness occurs on the premises and a record of all training shall be kept at all times on the premises and be made available to the police and officers of Reading Borough Council upon request.

Annex 4

Plans

As attached plan drawing no.1 project no.130

APPENDIX RS-5

From: Abdullah Yaqubi
Sent: 13 October 2020 11:01
To: Wheeler Simon
Subject: License number: LP2001393. Sun Convenience store

Dear Sir,

I received a letter from you in my store 107 Oxford Road, RG1 7UD, Today's Express Sun Convenience back to say that I forgot to change my license address from [REDACTED] to my new address which is [REDACTED]

I read your letter and I'm it will be my pleasure to cooperate with you according to the guidelines and to keep the community safer. We already took the actions long time ago by voiding servicing alcoholic beverages and I already removed those beers which were street drinkers favourite.

You can come to my store at anytime and make inspection. Kindly let me know if you require any further information.

Thanking you

Kind Regards,
Abdullah Yaqubi

Mobile:

License number: LP2001393

From: Abdullah Yaqubi
Sent: 24 October 2020 16:41
To: Wheeler Simon
Subject: Premises Licence

Re: Review of Premises Licence

Premises Licence Number: LP2001393

Premises: Today's Express

Premises Address: 107 Oxford Road, Reading, RG1 7UD

Dear PC Wheeler,

I just want to let you know that I have recently moved address and you had sent previous correspondences to my old address. I have informed the Reading Licensing Team of my change of address and awaiting for them to send me my licences with the new details.

My old address: [REDACTED] Reading [REDACTED]

My new address: [REDACTED] ad, Read [REDACTED]

Due to not receiving the letter on time. I had missed the deadline mentioned in that letter. However, once I received your hand-delivered letter, I have tried to implement all the recommendations made in that letter.

I will be happy to discuss with you or the Reading Borough Council about the changes made to promote the licensing objectives.

Yours Sincerely

Abdullah Yaqubi

27/10/2020 - 14:33

To whom it may concern

Can the following please be added to the Thames Valley Police submission for the benefit of the licensing sub-committee in relation to the reviews for:

Todays Express
Anrish News
Butts convenience store
I & R Convenience Store
KB Superstore

We wish to update the proposed wordings of condition regarding the restricted sales of certain ABV products.

Option 1 updates a "typo" from each original submission; and Option 2 is designed to capture a number of high strength Eastern European beers which are also deemed high strength and potentially link into categories of alcohol which exacerbate ASB.

Both conditions have successfully been observed in operation in two other Oxford Road premises, and we provide them for the consideration of the sub-committee.

(Option 1) Singular condition

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

(Option 2) Three part condition

- a) The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater.
- b) All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.
- c) There shall be no self-service of spirits except for spirit mixtures.

Kindest Regards

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

Address: Thames Valley Police, Reading Police Station, Castle Street, Reading, RG1 7TH
Email | Mobile | Switchboard 101



Cllr Karen Rowland
resident at [REDACTED] Zinzan Street

Statement in response to the review of licenses for Anrish (Premier) Shops at 102 Oxford Road and the Today's Express Shop at 107 Oxford Road specifically:

As a resident and local Councillor very near to these shops, I have taken myself off the Licensing Committee for at least these two shops so that I can weigh in as an observer of the situation and also as a local Councillor in representing the concerns of local residents.

My comments here need to be recorded in respect of these two shops collectively, and not as two separate entities, unless specified in the details. **It is the cumulative impact of the two shops together that the damage to the area in terms of the resultant ASB in the area is seen. It is my opinion, that neither shop has significantly higher scruples to the other in serving the street-drinking community that thrives in the area.**

Background-a systemic localised problem:

2014 neighbourhood survey

The area has a systemic and long- term problem with drinking and ASB. To verify my own knowledge of that, I went through my old emails to locate some of the specific issues that I became involved in shortly after I moved to Zinzan Street at the end of 2013. My earliest records go back to early 2013 when I lived on Russell Street, after I worked with neighbours to set up the Baker Street Area Neighbourhood Association (BSANA) to resolve some of the issues in the area. Shortly after forming BSANA, the group did its first neighbourhood survey which identified street-drinking as one of the top 5 issues that concerned residents back then (Please see attached survey). The Oxford Road NAG/Safer Neighbourhood Forum(SNF) has done bi-annual surveys in the area that they may be able to share.

Closure of Baker St off- license and results of that effort:

Beginning in 2014 the situation with street drinkers in the area had been noted to be so out of control that BSANA began a long campaign to secure the closure of an off- license shop situated in Baker Street (between Zinzan Street and Waylen Street) in the heart of the neighbourhood. Whilst it was acknowledged that the original intent of the shop had been to supply local residents with basic staple items such as eggs, milk, basics, cleaning supplies, and originally a rather nice level of wine offerings, during the last two years of its existence, it became the local street-drinkers go-to location. I had been quoted in the Chronicle as having called Baker Street as "Street Drinkers Alley" at that time. The shop was closed entirely in a hearing of the Licensing Committee in 2015. <https://www.readingchronicle.co.uk/news/13785427.neighbours-dub-road-street-drinkers-alley-as-council-revokes-corner-shops-licence/>.

Once the shop was closed there, the problem of street-drinkers ceased to run along Baker Street but instead they moved along to purchase alcohol largely at these two shops up for review instead. The off- licenses had been thriving along Oxford Road for decades and it was already a healthy trade there. With the closer of the Baker Street shop, whilst Jesse Terrace residents were initially a "bit perturbed" that they had to walk further for a pint of milk or bread, they said it was a small price to pay overall for a quieter area. There has been praise ever since that the problem of street – drinkers yelling in the streets or passed out on the pavement, in the heart of the neighbourhood was alleviated. At the last Oxford Road SNF (on-line) , we were again thanked for this initiative. People still remember the nightmare and now 5 years later, they are still grateful.

Mapping the problem in 2014- the map is (virtually) the same today

During that period of time when the appeal for the Off- license on Baker Street was being undertaken, the neighbourhood was so inundated with street drinkers, ASB and beer can litter that in 2014, I stood out in the area, observed what was happening and where- and I mapped

out the issues to speak with the Salvation Army about what we were observing as a direct route to and from Willow House to the off-licenses in the neighbourhood to procure alcohol. I did the observation work in order to justify my map and detail it correctly. The map was designed specifically for a meeting with the Salvation Army and to see if Willow House could come up with a way to help their residents, many of whom had serious issues with alcohol addiction. (Please see the attached map).

You can see that at that time, they took off either to the site on Baker St (before it was closed) or they took off down towards the Oxford Road to the off-licenses currently for review. The "route" taken from Willow House to the shops on the Oxford Road, follows along Howard St, Body Road, Anstey Road, Carey Street, Zinzan Street and Waylen Street most heavily. With the removal of the Baker Street shop, these streets now form the major route directly to the Oxford Street shops.

Frequent hang-outs of drinkers and drug users are noted at the corner of Howard St and Baker Street (see attached recent picture from a week ago showing little change) as identified on the map. If they are not there drinking or dealing drugs, they are at the entrance of the car park at the Carey Centre (identified on the map) just to the south of the line of trees along Body Road. It was years ago that I gave up trying to point out to the constant group of lager and cider drinkers at that location that there were potential fines for open can drinking, as they sat right in front of a sign about that and naturally laughed at my attempts to curb their behaviour. Eventually, the worthless sign was removed, as it was clearly blatantly disregarded and seldom enforced.

Persons that utilise services and beds at CIRDIC on Berkeley Avenue also tend to meet up with friends from Willow House and join them along these routes. My map does not highlight that route from CIRDIC as the map was expressly made at that time to work with the Salvation Army in order to alleviate the neighbourhood issues.

The point being, is that this map (minus the Baker Street link) serves otherwise as a map for 2020. I would urge the Committee not to therefore take this as "old" or "irrelevant" information. It is as current (minus the Baker Street shop) as if I had created it today. The other point is to highlight the length of time that this has gone largely unchecked and that from 2014 virtually nothing has changed, although even at that time, I wasn't mapping anything new. This will continue to be the issue for this neighbourhood unless or until something is done. Along these routes there is all manner of ASB that takes place, a good deal of it related to drug dealing and use, also, but exacerbated by alcohol use in many cases. The stories are non-stop. I will hope to tell "just a few that I remember" in line with the four licensing objectives in this document.

The biggest issue with both of these shops- and the reason why I am writing a joint statement in regard to both of these shops, is that the street-drinking population uses these shops to supply their addictions interchangeably. If they are refused service at one store (which from time-to-time I feel that the cashiers do attempt to do) they simply go across the street, send in another one of their group, etc until they are successful at procuring the alcohol that they want. These shops are sadly, in my opinion, both as guilty as the other. I will state however, that whilst the cashiers do attempt to stop the sales of alcohol to some of the most belligerent, at the end of the day, the crush of street-drinkers into the shops is too great, and the effort to constantly shove off all of them is too much. The ultimate caveat, however, is that both of these shops rely heavily and clearly cater to this clientele trade for their livelihood. This is a factor that has stopped many in the past from tackling the issues except by "softly softly" approaches of "gentlemen's agreements" to sell four packs only or to raise prices enough to deter a £/can purchases.

A statement to the general lack of community involvement in reporting ASB and crime (Lower numbers than one might expect given the reputation) or sticking their neck out to write in about these shops:

One of the most infuriating things is linking specific evidence to the shops and determining that there are indeed significant ASB issues in the neighbourhood, as there is so little actual reporting of ASB in the area.

The persons that live in this area have never been great at reporting crime or ASB and there are any number of reasons for that.

- Many are afraid of reporting incidents for fear of retaliation by the criminal and ASB elements in the area.
- There are also high numbers of immigrants in the streets here, and many are either unaware of how to report, do not speak the language or are afraid of the system to report. They feel less empowered to demand and expect results or improvements and are more inclined just to accept the "status quo" as something that is unchangeable.
- Even those of us that have reported frequently in the past have become exhausted and disenfranchised by the system. 101 can take ages to get through. Even when you report it, some operators refuse to give URNs for "ASB". Reporting online can take ages and is not at all a quick and easy answer. I even admit having virtually given up on reporting, but I have also been very vocal about that ease of ability to do so and the challenges and difficulties of reporting.
- There is a running joke amongst locals, that the only way to report all that happens in the area is if we wanted to spend all day long on the phone to 101. No one has the time.

Therefore, incident numbers in the area do not look anywhere nearly as high as you might expect. I point out later in the report how we no longer even bother to call the Police or Ambulance when we find people passed out on pavements. I can only give you my promise as a local councillor and local resident that the "reputation" of the area in terms of ASB especially is: quite accurate.

I also think that there will be little take up on residents writing in about these shops, although it is an issue that many have strong feelings about. The state of the Oxford Road and its knock-on effects on the neighbourhood is concerning to residents. I have spoken with many people about these reviews and gotten overall positive response to the Police reviewing the premises along the road, but they do not believe that it can possibly significantly . However, I do think residents worry that the shops will go away if a primary source of their income is altered. And although their product is meagre and the food not of a very high nutritional value, there is still a need for these shops to at the very least provide staples, quick snack food, cola, and the like. It is for some a double-edged sword.

I will try to illustrate at least one case -likely more- in respect of each of the Licensing Objectives:

The prevention of crime and disorder:

- 1.) **In setting the stage, it is not a "coincidence" that these shops exist and operate so well right within a neighbourhood with high levels of ASB.** The ASB in the neighbourhood is frequently but not always seen to be exacerbated by alcohol and inebriated individuals. It is also often drug-related. Although it is hard to say which came first, the "chicken or the egg" (the bad reputation of the area for ASB or the shops) the two seem to go hand-in-hand. It is also hard to prove that the alcohol – related ASB comes exclusively from these two shops, but in terms of ASB in the immediate area that was mapped in 2014 and still valid today, a "beyond reasonable doubt" case can be made for a good deal of the issues certainly to the south of the Oxford Road from Russell Street to Howard Street, and in the alley way directly behind the stores, that geography points a reasoned-finger to some of the issues being exacerbated by the sales of alcohol to the "local street-drinking community" from these two shops. Whilst the area is also well known for drug dealing and use, it cannot be said that the alcohol does not feed into that, and provide those that are most vulnerable to addictions with drink or drugs , the perfect area to pick up alcohol and drugs and "as a result" act out in the streets in the area.

- a.) I live on Zinzan Street and I know **the immediate area's "nasty reputation" for drugs, ASB and drinking.** The same reputation exists for Waylen Street and Howard Street and Body

and Anstey Roads in particular. This is not to say that the wider community to the Reading West Railway Bridge and beyond and north into the Great Knollys Street area have not been affected by lax standards of sales from numerous off-licenses all along the Oxford Road, but it is pretty safe to assume that this immediate area is adversely affected by these two shops. Street-drinkers have been known to urinate, (and even defecate), pass out cold on the pavements and in the front gardens of the neighbourhood and yell and curse up and down the street with their buddies creating noise disturbances from day til night.

Myself and my neighbours live with constant yelling up and down the street and occasional persons passed out in the street that are also mixed up with an non-covert in-your-face drug-dealing and usage scenario in the area. These addictions are separate, but the consumers of illegal drugs often drink and in many cases alcohol-addicted persons also abuse drugs.

Noise and yelling of drinkers is a constant day into the evening usually ending somewhere around 10-11. I can think of very few days that go by that there isn't someone yelling in a drunken manner on the street. I sent in video to the TVP recently (appx 2 months ago) of a woman that has constantly been up and down the streets (especially Waylen Street) yelling a barrage of curse words, kicking over rubbish bins and barely standing up to make it down to the Oxford Road for drink, where apparently she is served. Whilst she clearly has mental problems, the alcohol that is sold to these persons that already have issues, clearly exacerbates the situation.

- b.) It is no coincidence that **the Change Grow Live Clinic (formerly IRIS) and known by its local colloquial name as the "methadone clinic" is set up in this area.** This was knowingly done to be accessible to where the persons that need help with their addictions frequent.
 - c.) **The Centre for Health and Disability Assessments is also located right in this area,** appx 50 m from the Premier Shop to the West. Again, set up to be available and accessible to those that need it most.
 - d.) **So, what we have along the Oxford Road is a tailor-made one-stop shop area for vulnerable persons with addiction problems.** They can throughout the course of the day, buy their alcohol, buy their drugs, attend an AA meeting at Change Grow Live or pick up their methadone prescription and hang out with their friends all day along the Oxford Road or in the area. These groups tend to intimidate, beg for money, and be very unpleasant to walk by or encounter. **It is not per se, the fault of the shops for this geographical nirvana for the person addicted to alcohol or drugs, as they have been in situ for years. But it is clear they rely on this "clientele". This has been a long-term problem and the Committee is reviewing some very old licenses put in place prior to the establishment of the four licensing objectives as a standard if I have been led to understand correctly and trying to right these licenses.** But the situation will only continue to impact the neighbourhood where any number of residents work hard and deserve to be able to sleep and live in relative peace if nothing is changed at all.
- 2.) **The area is an area of multiple indices of deprivation. It is not the highest in Reading, but it is one of the highest five areas in town.** It is noted on the RBC website that the areas of deprivation in the town centre appears to be most closely linked to the "high levels of crime and the poor living environment." Many of the houses in the immediate area are not in good condition and the area is well-known for being an area where poorly-cared-for, inexpensive HMOs and flats owned by out-of-town landlords are the norm and not the exception. This is especially notable in the streets directly off the Oxford Road near these shops: Waylen, Zinzan and Howard Streets. The area looks "run-down" and has a "reputation" for drug-related crime and ASB. The shops being reviewed, their physical appearance and the quality of items that they carry do nothing to improve this "poor living

environment." There have been numerous studies about alcohol abuse in poorer communities and whilst alcohol addiction is not exclusive to poorer communities, middle-aged and older people with ingrained financial problems tend to be susceptible to abuses of drugs and alcohols as "pain-relievers" to the realities of life.

- 3.) I have been told on numerous occasions by **people from further to the west in the neighbourhood (from Russell Street and beyond) that they will walk along Castle Hill or Baker Street, just to avoid the Oxford Road which they consider to be dangerous and an unpleasurable route to be avoided.** To walk along the Oxford Road, they need to pass groups of street drinkers and drug users, which is not pleasant and can be intimidating. They congregate right outside the shops on both sides of the street for large portions of the day and on the way to the Town Centre or to the rail station, there is little way to avoid them if walking along the Oxford Road.
- 4.) **The Providence Chapel (two doors to the east of the Today's Express) serves free food to those in need on Monday evening and has done so for years.** Their reasoning is, as I have been advised, is to get something other than alcohol into their clients' stomachs. Monday evenings are a boon night for these stores as especially the Today's Express is inundated with persons from this group gathering outside the shop before the line forms for the food at the church to purchase alcohol and to socialise, and to return back to the shops after they have eaten for more alcohol. **Monday nights on Zinzan Street are usually always noisy when between 8-10 at night the drinkers wind their way back towards their residences. The shops know this happens and I am sure that they count on this business boon every Monday night. In the streets we can always count on the extra noise and trouble that we have to hear on Monday night.**
- 5.) **I have come in to both shops over the years and seen and observed alcohol being sold to people that are clearly not sober on a good number of occasions.** I would dare to say, however, when they see me coming anymore and I have seen them 'shoo' their customers away from the counter to get me in and gone, so that once I am gone they can serve the alcohol to the quite possibly -and sometimes blatantly inebriated individual. They know that if I observe them selling in this manner, I will challenge both them and the customer.
 - a.) **I have tried to get the Police to look at video before, but sadly using CCTV in many of these instances is ineffective.** Without sound it is hard to always tell if the person is drunk or belligerent. I have seen the inebriated individuals "put on a straight face" outside to go in and try to look sober enough to purchase alcohol.
 - b.) **It is not always the cashiers' faults either when inundated with a frequent barge of these persons to "challenge" many or all of these cases.** Sometimes they know, that for their own safety and peace of mind, they need to sell the person the alcohol and get them out of the shop. Usually, the purchaser knows what they are doing; they have their coins ready, they keep the alcohol in their hand and flash it to the cashier, throw the coins on the counter and run out the door, so as not to be challenged.
 - c.) **From time to time, street-drinking groups will swarm a shop in order to distract the cashier to shop-lift for the group.** I have observed this in action at the Today's Express before. As noted elsewhere in this document, whilst Premier has been swarmed by teens, (see below "Public Safety" no 3) Today's Express is swarmed frequently by groups of middle aged "street drinkers" that tend to hang outside.


Public safety:

- 1.) There has been at least one incident and possibly two –(if I recall correctly) of a **one of the members of these street-drinker "gangs" being hit by a car at the corner of Oxford Road and Eaton Place just 13 m outside the front of the Premier Shop in broad daylight.** Although I did not see it, it was reported to me by neighbours that the group had just purchased alcohol from the Premier Shop and that the person that was hit had been "flying" – ("flying" as in either high or drunk or both) and thus **the victim's lack of coherence was what lead to the event. This is the level of inebriation that these persons are at often times**

when sold alcohol at these shops.

- 2.) There is a well-known street drinker in town that is a tall white skinny male that always wears his pants rolled up above his ankles. He is familiar to anyone in the area. **I have twice stopped to have to help him in broad daylight, walking deliriously down the centre of the Oxford Road between the two shops trying to get alcohol and causing traffic to swerve to avoid him.** I literally had to try to call the police to get them to try to get him out of the street once and once I had to literally stop traffic from hitting him until he made it over to the other side of the street. Whilst from time-to-time they may not sell alcohol to him, I know they do sell it to him frequently enough so that he clearly knows that he can get alcohol from one of these two shops, otherwise why is he often seen outside them? Formerly he shopped more frequently at the Baker Street shop until it closed and I had seen him fall and smash his bottle of wine, get back up, and go back in and get another one. **I have observed incidents of other local street- drinkers running dangerously across the streets between the shops.**
- 3.) The area attracts a regular group of street- drinkers (often from Willow House or CIRDIC) but there are also tougher characters that also tend to hang out in the area from time to time that are affiliated with the "regulars" and many are extremely threatening or off-putting. See photo of "aggressive Oxford Road person up Zinzan Street" attached who is an example of the types of person that tend to congregate in the area. This person came up from the Oxford Road shop area and followed me down the street to my house yelling and cursing at me. Again, this persons existence is not the shops fault , but what is it that the shops are causing by their presence to let persons such as this know that this is an area that they can "hang out in" and ultimately attract little attention.
- 4.) Whilst I do not believe that this has happened this year, largely due to CV19, previously for the past couple of years, the area has had a group of teenagers that liked to gather in the streets in the neighbourhood and walk about yelling and causing general nuisance in the area. **There were multiple incidents with these teens aggressively entering the Premier Shop swarming the shop to shop-lift food and drink. These incidents involved kicking and shattering the glass in the front door, aggressively entering the desk area behind the cash machine and threatening the cashier, distracting him and shop-lifting alcohol and food using foul language and shouting .** This happened in particular to one of the cashiers that has worked at that shop. At one point, I gave the cashier my personal number after I had known him to be really shaken up by these teenagers. He was advised never to hit back or to defend himself physically, as he was the one that could be charged with aggression towards a minor child. He felt very helpless. The teens also seemed to know this and taunted him and took advantage of this situation.

One time, the cashier called me later in the evening in a panic after an incident had just happened whilst I was away on holiday, sending me footage of the violence as it happened. He was audibly extremely shaken. I know that a few of these incidents were sent on to the Police, but I do not know whether the kids were charged, and I think they managed to get away with a severe talking to.



- 5.) **I have been alarmed at the lack of Covid -19 precautions at both stores,** (especially the Premier Shop), where-in the cashiers desk is right at the entrance, and frequent crowding of customers that are often un-masked occurs. There is poor clear plastic coverage of the Premium shop cashier from the public. The coverage of the cashiers desk is far better at Today's Express. I would say that only about 40% of the time that I am in the stores, however, the cashiers are wearing masks. I would say that more often than not, customers are not wearing masks and except for small signage on the doors this is not enforced by the cashiers on their customers. I have even on several occasions run to the shops and

forgotten my mask, and apologised, but each time I've been told," no problem." Strictly speaking I should have been refused service. None of the street-drinkers in the area wear masks at all whilst hanging around and they shop all day long in these two stores.

6.) I believe there is a statement forth-coming from Richard Rowlands, a neighbourhood resident and community volunteer with BSANA and the Oxford Road SNF, who personally knows a few of the street -drinkers/drug abusers in the area. Mr Rowlands is a well-meaning person who has tried in his own way for several years to help any number of members of this drinking community. **Sadly, Mr. Rowlands has had two persons that have rented a room in his home on Anstey Road, die of alcohol and drug-abuse related issues. I knew both of these persons myself and I also knew that they frequented the two shops** being reviewed to feed their addiction. I saw them walk up and down Zinzan Street many times to get their alcohol and they were often very vocal and very loud as they went up and down the street arguing with their friends or arguing with themselves.

7.) **Currently, there are another two street-drinkers that Mr. Rowlands and I both know, that as they have told me "drinking themselves to death."** I have had serious words with both of them. Neither are heavy drug users and alcohol is their main vice. **Both as I know live at [REDACTED] and both primarily get their alcohol from these two stores.**

a.) One fellow by the name of [REDACTED] (not his real name) has had a problem with alcohol for many years. He has tried and failed to get off drink many times. He recently was admitted to the programme at Prospect Park, only to leave early and wind up passed out on Body Road (where I found him). A couple of years ago, after he and his girlfriend [REDACTED] (not her real name) who hangs out in this group), had a baby that was removed from them as soon as it was born, he had tried to sober up to get the child back. This never worked and once the child was permanently removed from he and , he gave up and returned to drinking. He has told me that he can't help himself and he "might as well drink himself to death." Both [REDACTED] and [REDACTED] frequent these two stores. I see them there frequently. Sadly [REDACTED] has frequently been passed out cold on streets in the neighbourhood all over the area. I once found him beating his head against a wall at the corner of Zinzan Street and Oxford Road (80m from my house) screaming and cursing himself so loudly I ran out of my house to see what the noise was. He bloodied and bruised his head massively. He was passed out this year on Oxford Road (and I believe taken away in an ambulance) and I have found [REDACTED] passed out cold on Zinzan Street twice and on Anstey Road once, and on Body Road as I stated above having left Prospect Park, most recently. I bluntly confronted him as he was semi-awake on Body Road "napping on the pavement" as he told me. **I said," You realise that you are killing yourself with this alcohol," and he replied that with his baby being gone there was no point anymore and he didn't care if he killed himself in this manner. He continued to "nap" blocking the pavement and I had to leave him there.** You cannot get ambulances to attend to persons passed out in the local streets anymore. (Noting that back in 2013 and 2014 you had a bit more success doing that).

b.) Another fellow named [REDACTED] (not his real name) is also well-known to Mr. Rowlands and I. He has gone downhill particularly this year and I caught him once this summer outside Premier Shops and sat down with him on the Pharmacy steps and tried to have a heart-to-heart with him. (He was drinking a beer he had gotten from Premier there). I said the same thing, ", **you are killing yourself with this alcohol."** **And his response was," I know I am. I can't help myself. This is the way I am going to go."**

I do not understand how, in good conscience, that these stores can continue to provide the opportunity for people to kill themselves with alcohol. I do believe that they are fully aware of the sad nature of many of the most ill in those groups and yet they sell alcohol to them anyway. Serving these people and feeding their addictions are a primary source of income for both of these stores.

The prevention of public nuisance:

- 1.) Please see the picture that I have submitted of **a drunk passed out in front of a home in Waylen St**, passed out in his own vomit sent to me from the 15 September of this year. **This is a fairly common sight in the neighbourhood.** We have no proof that this person bought alcohol at these two shops, but the geographical evidence is there.
- 2.) In speaking with the pastor of the Carey Baptist Church, he has advised me **that staff at the Carey Centre are constantly having to pick up beer cans and bottles from their front entrance way every morning.** As I point out on my map, this lies in the direct "pathway" of known street- drinkers walk to and from Willow House. It is not fun for the church to have to make a morning sweep of the left-over drink hubris every day before they get into the office for work. This is an indirect issue which again geographically is linked to the presence of these stores.
- 3.) **There are at least six street bins along Zinzan St alone- a street that is only 180 m long. Three of them sit within 60 m of the Zinzan St/Oxford road intersection.** One sits directly outside my house at a 100m up the road from that intersection. **A considerable amount of waste is largely beer cans and bottles. The ones closest to the shops frequently overflow onto the floor and are usually always full of beer cans and bottles especially in the summer.** Empty bottles and cans of alcohol frequently are left along the wall near the intersection. Street drinkers congregate at this intersection frequently to drink making others walk out in the street to get around. There are another two bins further along on the street nearer to Baker Street. Again, there is no proof that the stores sold all of this, but geography notes the proximity of the stores to Zinzan Street and preponderance of alcohol cans and bottles especially in the bins right next to these two shops.
- 4.) **My elderly next- door neighbour who feels very conscientious about trying to keep "her street" clean regularly goes out several times a week to litter pick the street. I have gone with her several times and the largest quantity of items that are picked up are beer cans and bottles.** Again, no direct proof, but geographically it points to a very likely connection.
- 5.) **Last year, a known drug dealer and very inebriated/ "high" person that "lives out of his car" and frequents the area" and is personally known to the "local street drinking crowd" urinated on Zinzan St outside his car in full view of a young ten year old girl standing inside her house.** The father became aware of the incident as his daughter screamed, and he chased the man off driving away in his unregistered car. Visibly shaken, the father saw and alerted me directly thereafter. We called the Police and within the course of a half hour the man returned to the street in his car. The father ran after him and confronted him outside his car parked near the corner of Zinzan St and Oxford Road, in front of the Premier Shop, holding his arms behind him whilst I called 999. The father was stuck by a dirty drug needle from the car during the incident. The mother and the father both opened the car and looked inside as empty beer cans poured out of the car onto the ground and they observed many needles and drugs inside. **This was "excitement" for the local street-drinkers who gathered around to watch, en masse, as I believe I observed purchasing drinks from the shops (I saw them coming out of Premier during the incident) standing right outside the shop "to cheer on" the entire event as the Police returned to arrest the man. I remember counting how many there were watching at the time and I recall counting appx 15 that I would consider to be members of the local "street- drinking" group watching.**

My insinuation is not to assume that the empty beer cans that poured out of the car were all purchased from the shops, although my sense is that he spent a lot of time in his car parked on these streets and invariably many may have been. However, the fact that the street-drinkers all seemed to be right there, loitering as they do in the area, having been sold more alcohol during the incident and rallying in the intersection is the issue. **The shops are not of course responsible for the incident either, but the shops are responsible for the fact that because of their attraction to these groups that the area is constantly flooded with these groups. These shops by virtue of their popularity for alcohol purchasing by these persons only serve to make the area a welcome "hang-out" for these groups of street-drinkers – and indeed a gathering place.** They frequently hang out drinking during the day

on the steps of the near-by shops on the north side near Premier or again outside the Today's Express shop. This is the "view" that most people have in their mind when they think of this area of the Road.

This public urination in front of a minor/needle stabbing incident was reported to Anthony Stansfeld last year at his annual presentation to RBC's Housing Neighbourhoods and Leisure Committee. The scene in the area was described and Mr. Stansfeld resolved to "get something done about it". Sadly, despite the man having orders to stay out of the area, he still frequents it. These are the types of persons that hang around and make-up the "local street- drinking community".

6.) **Having been asked at least twice before in "kinder and gentler" initiatives to:**

a.) **only sell drinks in 4 packs (a method to reduce binge and cheap drink purchases).**

I have observed within days this "gentleman's agreement" fall apart, as I've seen the street- drinkers go in, rip a can out of the 4 pack, throw a £1 note at the cashier and walk out before the cashier is able to stop them. 4 packs do not work. Attempts of the staff and owners to keep this policy going were not robust and although it was difficult with the drinking crowds, who would peel a can out of a four- pack and run out the door with it, throwing money at the cashier, I feel both shops could have tried harder. Signage went up noting that they would only sell "four- packs" and signage came down again very quickly in both stores.

b.) **keep prices on high strength lagers above 99p. I have seen that this has failed in both of these stores in a matter of days or weeks on each occasion.**

Selling high strength lager for 99p a can, does not show responsibility to the surrounding neighbourhood. It shows only a desire for profits on the part of the owner at the expense of ensuring a lack of ASB to the surrounding community. The owners are aware of this. Prices that were to be clearly priced and marked and put up above the 99p as requested in a "soft touch scheme " last about two years ago, fell apart quickly when the two stores started losing money to the other store because one of the two of them started selling for less to get the sales volume. Whilst some cans were labelled and marked with prices as requested, I personally noted that there were always a few brands that were never price marked in each of the stores. These attempts have never worked and they have never been maintained. These two stores are in direct competition to the other and they always cave in to capture the high-volume street drinker purchases.

7.) **Neither store focuses on items that could be sold for broader use in the community beyond a focus on keeping their street lager/cider shelves well stocked.**

I have attempted to cajole both stores on multiple occasions to carry a decent calibre and quality of more nutritional food and not "food poverty" level of food: (crisps, snacks, colas, energy drinks and pre-packaged foods). Sadly, their food stocks leave much to be desired. Neither (as I recall) carries fresh vegetables and neither carries meat at all unless in a pre-packaged sandwich. Staples are at a bare minimum. If one was to rely on these shops exclusively for food, you would be mal-nourished in a quick bit of time. As I work from home now and am often short on time, I run in to purchase cheap plastic containers of Instant Noodles- about the only thing they carry that I consider to be edible. The pickings are deplorable. "Anrish News" (Premier) also advertises itself as a "news agent" but they have quit carrying newspapers entirely.

The one prominent thing that they do carry is alcohol and each has at least one whole chiller plus dedicated to high strength lager and cider, and vodka-laced power drinks. Food, household supplies and other miscellaneous items that one actually needs a shop to carry, are relegated to minor sections of the stores.

Again, this only goes to show that their interest and raison d'etre is to carry high- alcohol

content drink, and that is the focus of their stock. They both know full well that the high-octane alcohol sales fuel and exacerbate the ASB in the neighbourhood, but there seems to be no desire to improve or change course to benefit the local community or residents.

The protection of children from harm:

I would say that this is where the least issues lie. I have written above about the "groups of teens" that feel they can swarm the shops and threaten the cashiers. I've written about the 10 year old girl subjected to a full-face on view of an inebriated individual urinating in front of her with no regard. Under-age alcohol tests have been done here before and whilst I recall one possibly failing once, there was no follow-up but both stores normally pass under-age challenges. I believe there are Challenge 25 posters up clearly in the store. The street-drinking community that these stores cater to, however, is largely an older crew.

- 1.) One incident of "selling to minors" that I have come to learn of only recently, and this was not definitively proven to me, however the story reported by a very "reliable and trusted source" and it seems likely enough to mention it. Since CV19 I there have been multiple incidents of parties in a flat up above the Punjab Grill next door facing the back car park of that building (out onto Zinzan Street) They parties are very loud and very crowded. The noise can be heard at least to my house at 80m away and has kept many people up at night until 2-3 in the morning. It has been reported by neighbours with their "pulse" on that end of the street, that there are a very many "young" (seemingly under-age) people at these parties. I have observed the crowded nature of the parties which can be seen from down the street with "persons practically hanging out of the windows."

Several weeks ago, and notably within the time period since the Blue Notices for the shop reviews have gone up, there was another party at this location. **As reported to me by local neighbours that I consider to be "in the know" the parties on this occasion were running low on alcohol, and they tried to replenish their stash of alcohol by going to the Today's Express shop. Apparently, the shop keeper refused them service citing that he believed them to be purchasing for under-age drinkers. This is commendable; however, it was understood that apparently they went directly across to the Premier Shop where they were able to purchase the alcohol.** Whilst this is second-hand reporting albeit by knowledgeable neighbours, it is still to me, entirely likely that this had occurred. If you can't get it at one shop, go across to the other one and you can generally get what you want.

Proving the point that these shops supply the alcohol that leads to the issues in this neighbourhood:

- 1.) **Boycotting of the stores by locals due to their bad performance on alcohol sales has been reported to me several times by residents in the area.** The local residents are abundantly aware of what goes on and have told me on numerous occasions. Zinzan Street locals have informed me that whilst they will go to the Today's Express shop when they desperately need something, they boycott the Premier Shop altogether, as they feel that the Today's Express standards are higher for not fuelling the drink problem in the area. For the record, I tend to feel the opposite, and frequent the Premier shop more often myself, although I think it is motivated more because I don't like to round the corner at Today's Express to be accosted by the usual group of "street drinkers" gathered out front looking for or asking for money. I shop at these stores occasionally for convenience only and if I had more time to go further afield, I probably would not patronise either of them, out of a similar level of concern about the results of their alcohol sales on the neighbourhood. From where I live, I can at least see if they are standing out front of the Premier shop and avoid the situation. My husband boycotts both stores for these reasons.

It is clear that the shops' abilities to function as a shop for items that locals need to live on, beyond high-strength lager and ciders are minimal. There are others in the surrounding area that also refuse to use these stores at all for the same reasons described above.

2.) **I have (at great length) listed a few of the examples of issues in the neighbourhood of these shops' failures to meet or achieve the 4 licensing objectives.** I have tried to provide you with links of the ASB in the area to the shops' failures, where I feel that the issues are most obviously and blatantly related. My observations are largely as a resident that observes their actions living within 120 m of these shops, but also, they are taken from residents' observations where they are reported to me as a local Councillor. I receive many complaints here in the area.

a.) **I have given you the map I created 6 years ago that is still valid today and shows the routes many of these street-drinkers take from their residences at Willow House and at CIRDIC to shop on the Oxford Road.**

b.) **I have described alcohol – related ASB directly along those direct routes shown on my 2014 map.**

3.) **Can this portion be redacted as Officers feel is best.**

Perhaps the single most incriminating "witness statement" to corroborate the fact that these shops are causing the issues that we have along Oxford Road between the Zinzan St and Howard St intersections and that feed directly up into the neighbourhood streets is a statement that I have reported to both Simon Wheeler and to Licensing to ask how to handle and present it. It is what I consider a very incriminating and true statement that was told to me. Sadly, as both Licensing and PC Wheeler understand, the statement could come at a risk to someone [REDACTED] as a result and I cannot therefore have it appear publicly. I consider there to be one "informant" on that street that knows the situation better than anyone else by observation and I was informed by that person that it was their opinion, that if both of the shops were closed, that the troubles on the street would entirely disappear. Due to the need for the community to have these small shops for "convenience" to the local area, I had never allowed myself to think this, but upon this being said to me, I recognised that as much as this informant knows of what actually goes on right in the area of those two shops, that he had a very true point to be made. See my concluding thoughts herewith.

Concluding thoughts:

1.) Can we prove that all of the ASB in the area is related to the selling of alcohol to inebriated individuals and known "street-drinkers" in every single case, or is it just "coincidence" that a high level of seemingly alcohol-related ASB just occurs near-by in the area? **Whilst it is clear that not all of the area's ASB comes from this lax practice, it is also clear to me that the escalated incidences of ASB in the area has a strong correlation to the practice of selling inebriated, street-drinking groups alcohol throughout the day. These shops in that regard bear their portion of the role they play in these situations.** I think that in these cases, we are looking more at the incriminating and geographical evidence as shown on my map of 2014 that is still current today that there are undeniable correlations.

2.) Whilst I have not kept records of every URN report that I have called in over the years in the area, I can also acknowledge my own despair and failure to call in every incident I see of ASB in the neighbourhood. Due to the increasing challenges of calling in to 101- (and operators occasionally telling me that I am not to report ASB to the Police/101 at all) or reporting on-line, my own reports of ASB related issues have gone way down in the past two to three years. **However, it is my very clear sense that despite the lack of reporting, the problems have been on the rise overall in the past few years with reduced policing in the area. I cannot come near to recalling all of the stories where there was drink-related ASB in the immediate area, it is so commonplace; but my memories are dominated by people passed out cold in the streets, individuals urinating in the streets discreetly or not, loud yelling and arguing all up and down the street, audible from within my home to the level**

that it is disturbing nearly every day I have lived on Zinzan St. Knowing many of the street-drinkers personally, and many more by sight, I have seen these persons that cause these issues in my street and the area also frequently near these two shops and being sold or consuming alcohol from those shops. I believe beyond a reasonable doubt that many of the area's ASB issues are therefore related to the lax practices of these stores.

- 3.) I do believe that removing the rights of these shops to sell alcohol entirely would be the best way to curb the ASB related issues I see in this immediate area. But that would only move the problem further down the street, or elsewhere, and I am not sure that is the answer either.**
- 4.) I do believe that it is the cumulative effect of so many off-license shops along the Oxford Road, especially concentrated at this end of the Road that causes the issues. I also believe that these two stores are the worst in the area, are prone to be frequented by the "street-drinking set out of geographical proximity to where they live or hang out, or out of habit and an on-going fulfilment of the reputation that the area has. I believe also that these two stores set the tone and reputation for the Oxford Road, certainly on the east end of it closest to town.**

If street-drinkers do not get it from one shop, they can always get it from the other. I do not believe that either of these shops has better standards than the other in dealing with these addicted individuals that buy alcohol from their shops. This practice as I know it, continues on down the Road with certain shops. Individual owners and cashiers – admittedly for their own sanity and safety, may be powerless to enforce proper sales of alcohol in the area without a total removal of the product that causes the issue. Their jobs and livelihoods are also linked to these stores and to this trade. I also believe that the owners rely too greatly on their income from this source, and that the shops are entirely designed to cater to this clientele base, and cashiers can feel the pressure from owners to make sufficient sales to maintain store profits. This is how they make those profits. I do not know if they can turn-around their businesses to survive without selling alcohol entirely, but I would surely contemplate it; at the very least to eliminate the sales of those drinks that cater to this established clientele.

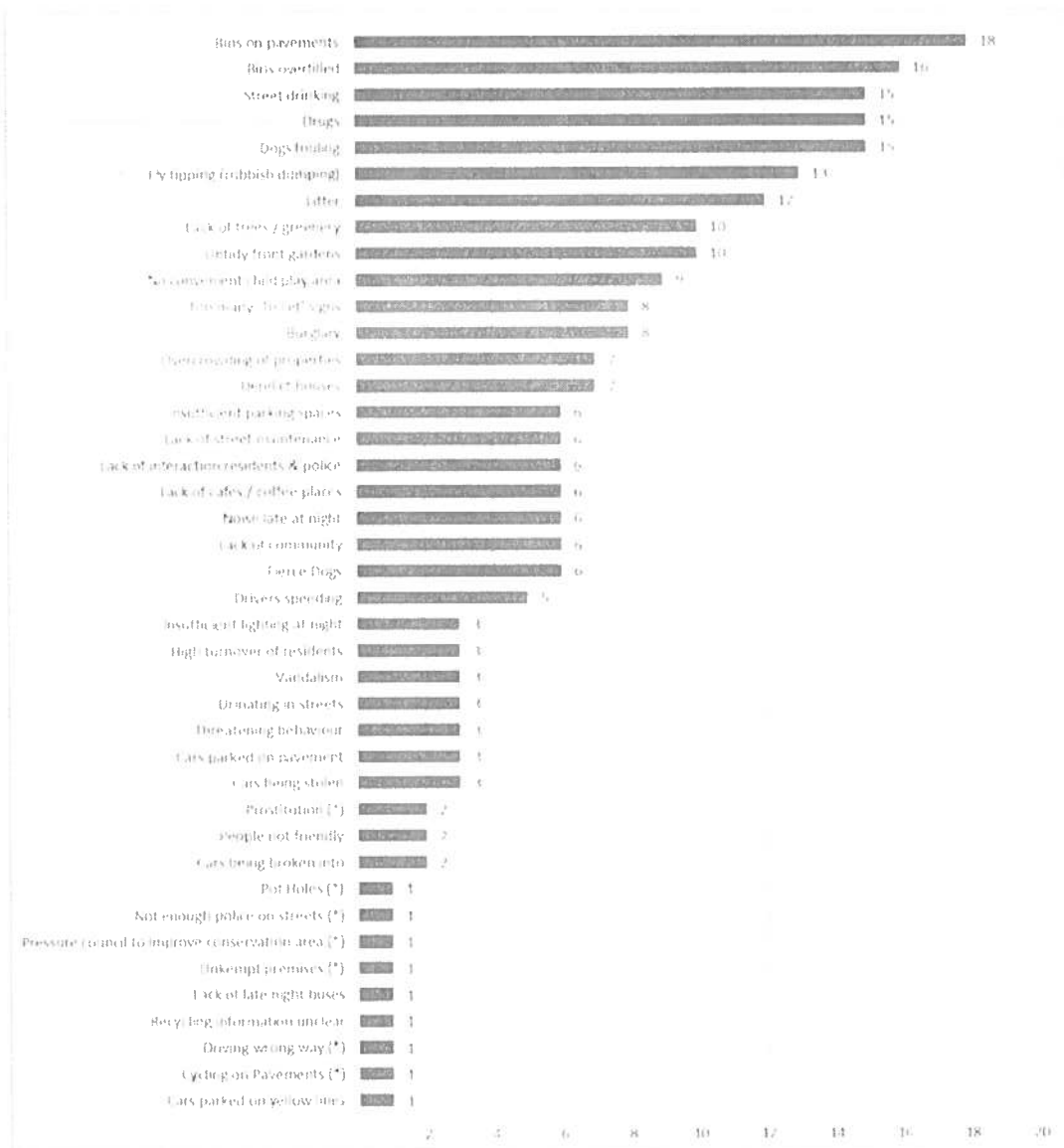
I would say that to remove the sales of these high-octane lagers, ciders and alcohol-laced energy drinks may considerably curb some of this activity, although the street-drinkers do not entirely limit themselves to these drinks. On one occasion, I managed to get the cashier at Premium to remove the bottle of vodka/gin (appx £25 value) from the person he had just sold it to, because the fellow was clearly inebriated and the money was returned to the person. We then watched him leave the shop and go across to Today's Express to purchase the alcohol successfully there. These shops are highly inter-related and the "street-drinkers" do not discriminate between the two.

In so saying that, I feel that responsible residents deserve to be able to pick up a bottle of wine, gin or vodka or reasonable ales or craft beers, in the area in which they live, but I sense the "street-drinking" crowd is so entrenched in this area, that they will either adapt to higher prices to get their alcohol (leading to more begging, possible burglary related crime to get money) or only maybe if the environment is so changed, only move further down the street or back in to town to procure their alcohol.

Although it is very extreme, it is my opinion that the elimination of sales of all alcohol in these two stores would be the most sure answer to resolving the problem. I also know that that might likely cause them to have to shutter their doors because they cannot easily adapt their stores to sales without alcohol, although I believe that they could do so, if they wanted. I just do not believe the will is there in either of these shops to do so. I also know that it will only place the problem elsewhere and that is not fair either.

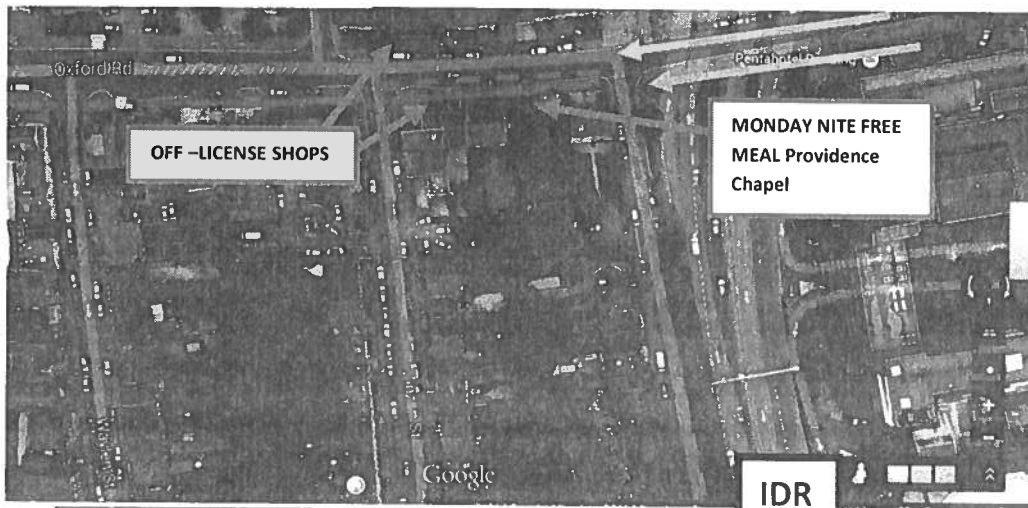
- 5.) Whilst I apologise for the length of this document, sitting on the Licensing Committee myself, I know what the burden of proof must be in determining courses of action and I have tried to provide sample evidence to prove that the 4 licensing objectives are not being properly achieved or worked towards in these shops. In the end, I leave it to the Committee, to which I feel have been presented a very difficult decision, of grappling with what to do. I believe also, that they have the power to return a neighbourhood back to a measure of normalcy by making the right decision, and to begin to actually put a real dent in what has been a decades long issue along the Oxford Road and in the surrounding streets off of it. I do believe that the people in the area, despite living in an area with multiple deprivation indices and issues, deserve better and it does not mean that they need to suffer unduly from the surrounding troubles that the practices of these stores have a substantial part in helping to sustain.

Survey Questionnaire Results



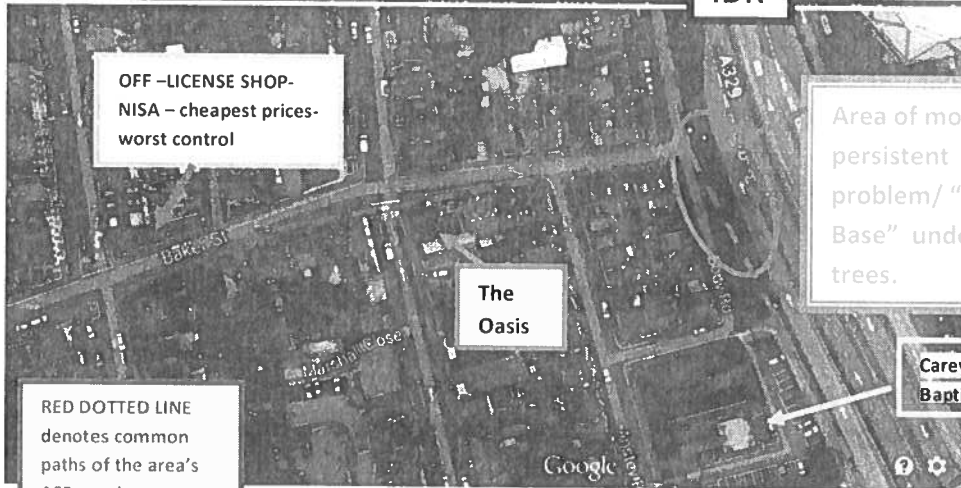
Notes

1. (*) denotes other issues that individuals added to the list. If they had been listed in the survey, they may have had more ticks.
2. Total number of questionnaires returned is 29. This reflects approximately 3-4% return on the number of forms distributed.
3. There were 246 votes for the 41 issues.



READING TOWN CENTRE

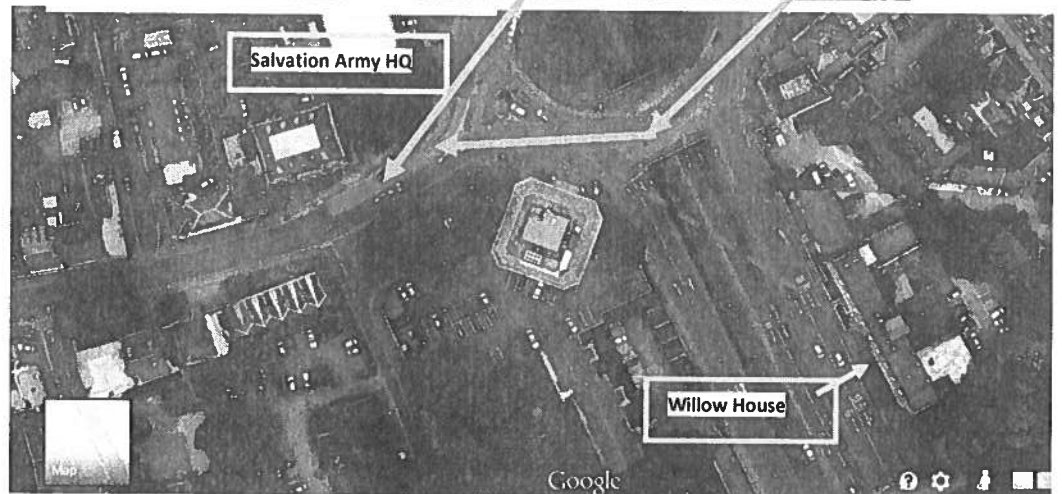
Green arrows indicate the paths used from the Town Centre headed towards our neighbourhood



RED DOTTED LINE denotes common paths of the area's ASB regulars



Salvation Army HQ



Salvation Army HQ

Willow House

The licensing committee

Date: Sunday 24th October 2020

Author: Richard Rowlands, [REDACTED] Anstey Road, Reading, [REDACTED], tel: [REDACTED], email: [REDACTED]

Introduction

I wish to protest about the availability of alcohol from:

- Today Express, 107 Oxford Road
- Anrish News / Premier Shop, 102 Oxford Road

Background

My name is Richard Rowlands. I live on Anstey Road (so a local resident). I was a founder member of the local Baker Street Area Neighbourhood Association (BSANA) and have worked for BSANA for over seven years. I am also the secretary of the Oxford Road Safer Neighbourhood Forum (formerly Neighbourhood Action Group).

I have had one friend, a lodger of mine, who spent a lot of time drinking and, only two weeks after leaving me, died. Another had to be sent to rehabilitation for six months. Another lodger died having been a regular consumer of alcohol. These were my friends and to see them die well before their time is a tragic loss. Another two of my friends drink high strength alcohol much of the day, every day. One of them can become very loud when drunk. I worry they will not be with us for much longer.

I understand that it is their choice to buy the alcohol, and that they are adults. However if someone is an alcoholic, the availability of high strength (7.5% or more) alcohol for a low price is like leaving an expensive Satnav on the windscreen of a car parked on a public street.

This availability means that these people can get up, start drinking and continue drinking all day.

The change from one-pound cans to a minimum of a four pack means people have a higher target, but as soon as they reach that, they can buy a four pack or a large bottle of cider.

Effect

This leads to these people sitting around near the shops in groups which can be ten or more people, often talking loudly, using bad language and asking passers-by for money. This is a public nuisance.

These people have a limited supply of money, often given them all in one batch once a month. Once this is spent, the rest of the month they need money for alcohol. With just the products they need sitting on a shelf in a nearby shop can cause them to either seek any method to get money (e.g. by begging) or to steal the bottles. Removing the availability can reduce the amount of crime and disorder.

The effect on the public passing by along the Oxford Road, which is a main access route from west Reading into the town centre. The loud and foul language can be upsetting to people and the public may fear for their safety.

Action

I do not have a general problem with these stores selling alcohol. My worry is the easy availability of low cost, high strength alcohol. This includes cans and bottles of high strength cider. I have been told that just removing those cans may cause the alcoholics to choose lower strength alcohol, which is less dangerous for them and does not make them as drunk, which makes them less belligerent. Another effect may be that they walk to the next shop to buy their alcohol. This action has to be extended to as wide an area as possible.

I really worry about the lives of these people whom I call my friends. Once you are an alcoholic, it's almost impossible to stop on your own. There are programmes (such as at Prospect Park), but these are expensive (which means limited availability) and not always successful. The solution has to include other methods to help people either not to become alcoholics or to ease them off the alcohol and the damage it does to them and to their lives.

I have spoken to several of my drinking friends and when asked what they would do if there was no cider on sale. They said they would either go to the next shop along the road, or buy cheap vodka (or similar drinks).

I ask for licensing to seek ways to reduce the amount of high strength alcohol sold inexpensively to street drinkers. This may include

- Reduce the maximum strength of alcohol sold
- Bottles not openly on display, where they can be easily stolen. For example like shops sell cigarettes.
- Reduced hours that alcohol is available

R C Rowlands

