

Name of Officer	Robert Smalley						
Type of Application	Review of a Premises Licence - Licensing Act 2003						
Name of Premises	K B Superstore						
Address	337-339 Oxford Road						
	Reading						
	RG30 1AY						
Premises Licence No.	LP3000661						
Licensable Activities	Sale of Alcohol by Retail - Off the Premises						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	2300	2300	2300	2300	2300	2300	2230
Content of Application:							
<p>The application was submitted on 02/10/2020 by PC Simon Wheeler on behalf of the Chief Constable of Thames Valley Police (TVP) for the review of the premises licence at the above address. The review has been submitted in order to address the failure of the premises licence holder (PLH) to promote the licensing objectives via their insufficient measures to ensure due diligence or compliance with their licence conditions.</p> <p>In 2017, Reading Borough Council Licensing sent a letter to the PLH detailing the areas of non-compliance at the premises following an inspection. As is evident from the results of the inspection by TVP in August 2020, there has been no significant improvements. TVP, following their recent inspection, attempted to address the issues of non-compliance via a stepped performance improving approach by requesting voluntary improvements to the premises licence conditions. Unfortunately, the PLH did not respond and therefore this review application has been submitted.</p> <p>Thames Valley Police submit that this review is necessary in order to promote all 4 licensing objectives: The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and The Protection of Children from Harm.</p> <p>The police are a named responsible authority under the Licensing Act 2003.</p>							
Licensing Officer's Comments:							

Reading Borough Council, acting as a responsible authority, fully support the application to review the premises licence for K B Superstore with the aim to modify the conditions on the licence to assist the PLH to promote the 4 licensing objectives. We believe this is an appropriate and proportionate measure to address some of the issues that plague the area, such as high levels of crime, anti-social behaviour and alcohol related health problems fuelled, in part, by the sale of super strength beers and ciders.

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 within 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 2 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.

The premises currently has the benefit of a premises licence (**LP3000661**) attached as **Appendix RS-1** held by Buddha Eye Ltd that authorises the Sale of Alcohol by Retail for Consumption Off the Premises. The PLH utilises this licence to operate as a convenience store with off-licence which sells alcohol:

Monday to Saturday	from 0800hrs to 2300hrs
Sunday	from 1000hrs to 2230hrs

Licensing team interactions with the premises:

Buddha Eye Ltd has been the licence holder since July 2017. During their time as licence holder, 2 licensing inspections have been conducted by licensing officers from Reading Borough Council. Both of these inspections have highlighted areas of non-compliance and poor due diligence practices as detailed below:

Appendix RS-2 contains a letter sent by licensing enforcement officer Richard French to the licence holder following an inspection on 25th July 2017. This inspection identified a number of breaches and concerns, including the incorrect address listed on the DPS's personal licence, confusion over the age verification policy, no incident book, lack of required training, outdated alcohol authorisation list, no section 57, among other breaches. The PLH informed Mr French that they had been operating the business since February 2014. This means that the PLH had been illegally utilising someone else's licence for over 3 years. This is a very serious offence and does not reflect

well on the PLH. Furthermore, the PLH stated that they only sold super strength beer and cider (above 6.5%) in packs of 4. This was later found not to be in practice during the premises licence inspection in October 2020. Many of the breaches identified during this inspection were later found to still be in breach during TVP's inspection conducted on 28/08/2020, showing that little improvement had been made in 3 years.

Appendix RS-3 contains a letter sent by licensing enforcement officer Robert Smalley to the licence holder following an inspection on 19th October 2020. This inspection recorded general compliance with the conditions of the premises licence, however, Condition 1 which pertains to the use of an incident register was still in breach. This is particularly concerning because the PLH had informed TVP in an e-mail dated 12/10/2020, that all breaches had been rectified and requested a reinspection. When asked to provide the incident register, the PLH instead provided the refusal register. Due to the PLH's poor comprehension of English, it was difficult to explain what an incident register is, however, I believe that the PLH eventually understood what this condition means. During this inspection, I asked the premises licence holder if they are willing to accept the conditions proposed by TVP in a letter sent to the PLH on 04/09/2020. They confirmed that they had read the conditions and are willing to accept them being placed on the licence. I then conducted an inspection as if the proposed conditions already applied to the licence to see if the PLH had done any work towards complying with the proposed conditions. My inspection found that only 4 of the 8 proposed conditions were being complied with. This is disappointing because it shows that, despite being willing to accept the proposed conditions from TVP, none of which overstep what would generally be expected of a responsible operator anyway, the PLH hadn't made a concerted effort to raise their standards of best practice and due diligence in-line with the proposed conditions. For more information on this, please refer to **Appendix RS-3**.

On the 13/11/2017 an officer from Reading Borough Council's Community Alcohol Partnership team and an officer from Reading Borough Council's Licensing team visited the premises and noted that the premises was not implementing a refusal log or displaying any posters explaining the 'Challenge 25' age verification scheme. Although not a condition of the licence, it is expected that a responsible retailer, selling age restricted products, would utilise a refusal register as part of their due diligence measures. The lack of age verification scheme posters was a clear breach of condition.

On the 01/04/2019 the PLH failed a 'Challenge 25' test purchase in which a 21 year old successfully bought alcohol in direct contravention of the premises' age verification policy. This is evidence that the PLH is not ensuring that the premises' age verification policy is effectively implemented and is a serious breach of condition. Mr Prasanta Gurung subsequently attended a retailers training day on 09/04/2019 organised by Reading Borough Council's Community Alcohol Partnership officer.

The approach of the Licensing Team:

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

Secretary of State's Guidance (April 2018)

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

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

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

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

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will

always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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

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

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

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

9.15 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.

Summary of Representation:

The Premises Licence Holder has been unwilling or unable to promote the licensing objectives due to poor processes and a lack of due diligence. This is despite attempts from Reading Borough Council and Thames Valley Police to assist them via inspections, retailer training/ conferences and proposing conditions. The poor processes at the premises have led to breaches of the premises licence conditions as identified via inspections conducted by Reading Borough Council and Thames Valley Police. Although no offence of selling to intoxicated persons, or evidence that sales of single cans of super strength alcohol to street drinkers have been recorded at the premises, it is prudent to remember the case law of *East Lindsey District Council v Abu Hanif* which stated “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”. This can be applied in this instance to infer that if the premises ceased selling super strength alcohol, levels of anti-social behaviour caused by street drinkers would decrease.

Reading Borough Council Licensing believe that the appropriate and proportionate step that the sub-committee should take when deciding on the outcome of this hearing is the modification of the conditions of the premises licence to those listed below to enable the PLH to promote the licensing objectives and help ‘raise the bar’ of retailers on Oxford Road back up to the level that is expected of all alcohol retailers.

Reading Borough Council licensing propose the removal of the Licensing Act 1964 conditions as well as all current conditions contained in Annex 3 of the premises licence to be replaced with the following conditions:

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:-
 - The premises age verification policy
 - The Four Licensing objectives
 - Dealing with refusal of sales
 - Proxy purchasing
 - Recognising valid identity documents not in the English language
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises.

- a) Refresher training shall be provided every 6 (six) months.
 - b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training, and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.
 - c) All staff authorised to sell alcohol shall be accredited to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved accreditation curriculum within four weeks for existing and subsequent employees.
2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
- Details of the time and date the refusal was made
 - The identity of the staff member refusing the sale.
 - Details of the alcohol the person attempted to purchase.
- a) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.
3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.
- a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position.
5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises.
6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age.
7. No beers and ciders of 6.0% ABV and above 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.

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

Relevant Case law for consideration

The British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council [2005] EWHC 1318 (Admin)

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

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

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

Appendices

Appendix RS-1: Copy of the current premises licence

Appendix RS-2: Premises inspection results letter from inspection conducted by Richard French dated July 2017

Appendix RS-3: Premises inspection results letter from inspection conducted by Robert Smalley dated October 2020

Date Received	02/10/2020	Date Due	30/10/2020
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Date	22	10	2020
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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	LP3000661
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Premises Details

Trading name of Premises and Address
K B Superstores 337-339 Oxford Road Reading Berkshire RG30 1AY
Telephone Number
0118 931 1111

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

Licensable Activities

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

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities
Hours for the Sale by Retail of Alcohol
Monday from 0800hrs until 2300hrs
Tuesday from 0800hrs until 2300hrs
Wednesday from 0800hrs until 2300hrs
Thursday from 0800hrs until 2300hrs
Friday from 0800hrs until 2300hrs
Saturday from 0800hrs until 2300hrs
Sunday from 1000hrs until 2230hrs
Good Friday from 0800hrs until 2230hrs
Christmas Day from 1200hrs until 1500hrs and 1900hrs until 2230hrs

Opening Hours

N/A

Alcohol

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

Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Buddha Eye Ltd

Address: 337-339 Oxford Road, Reading, RG30 1AY

Additional Details

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

Name: Mrs Sarsati Gurung

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

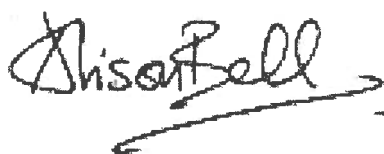
Personal Licence Number: LP7002557

Issuing Authority: Reading Borough Council

This Licence shall continue in force from **28/07/2017** unless previously suspended or revoked.

Dated: 15 August 2017

Head of Environment & Consumer Services



Annex 1

Mandatory Conditions

Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol
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| <ol style="list-style-type: none">1 No supply of alcohol may be made under the premises licence:-<ol style="list-style-type: none">a) at a time when there is no designated premises supervisor in respect of the premises licence, orb) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended2 Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence. |
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Film Exhibitions

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

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| <ol style="list-style-type: none">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. |
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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].

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| <ol style="list-style-type: none">1 Each individual present at the licensed premises to carry out a security activity must be licensed by the Security Industry Authority. |
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Responsible Drink Promotions (commencement date 01/10/2014)

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

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

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

Age Verification Policy (commencement 01/10/2014)

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

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

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

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

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

Minimum Permitted Pricing (commencement 28th May 2014)

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Embedded Restrictions from the Acts listed below to be carried forward to the premises licence in accordance with Schedule 8 to the Licensing Act 2003.
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Unless otherwise stated this licence is issued subject to the imposition of all the relevant embedded restrictions required by the:-
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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
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Acts applicable to this licence for the purposes of embedded restrictions
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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 disapplied for licensed premises in approved wharfs in ports designated by the Secretary of State. Permitted hours conditions should therefore be omitted.

S87

Airports - Permitted Hours

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

S95

Restaurant licence. Restaurant and residential licence - Permitted Hours

1 Alcohol may be sold or supplied:

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

2 The above restrictions do not prohibit:

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

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

1 Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, from 11am to 11pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday, from 12 noon to 10:30pm.
- (3) On Christmas Day, from 12 noon to 3pm and 7pm to 10:30pm
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) Alcohol may be sold or supplied between 3pm and 7pm on Christmas Day to persons taking table meals for consumption as an ancillary to the meal.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

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

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

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

S164**Off - Licence - Alcohol Consumption**

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

S166**Licensed Premises - Credit Sales**

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

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;

(c) to a canteen or mess.

Licensed Canteens & Club Premises - Credit Sales

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

S.168, 171, 201

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

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

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

S.168, 171, 179, 201

Seamen's Canteens - Children in Canteens

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

On-licensed premises with children's certificates

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

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

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

Annex 2

Conditions Consistent with the Operating Schedule

N/A

Annex 3

Conditions attached after a hearing by the Licensing Authority

1. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the information and those members of staff who deal with the incident shall also be recorded. Where known, any offenders names shall also be recorded. The register must be made available to responsible authorities on request.
2. All persons authorised to sell alcohol shall be trained to the BIIAB Level 1 award in responsible alcohol retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum.
3. All new members of staff must undertake initial training on age restricted sales before they are permitted to sell alcohol and registered within 28 days of employment to attend the BIIAB Level 1 award in responsible alcohol retailing or any other similarly recognised nationally approved accreditation curriculum.
4. The premises operate a Challenge 25 policy and this is effectively advertised to its customers. A passport or photo driving licence shall be requested from customers who appear under the age of 25 years old.
5. All staff shall be refresher trained on the law relating to underage sales every three months on how to question and refuse sales if necessary utilising the Challenge 25 policy. Records of the training and reminders given shall be retained.

Annex 4

Plans

As attached plan dated 04/08/2005



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

Our Ref:EVU 053056

e-mail: [REDACTED]

25 July 2017

Sarsati Gurung
K B Superstores
337-339 Oxford Road
Reading
RG30 1AY

Your contact is: Mr Richard French, Licensing

Dear Mrs Gurung

Licensing Act 2003
Premises Licence Number:LP2001823
Premises: K B Superstores
Premises Address: 337-339 Oxford Road, Reading

On the 25th July 2017 I visited your premises with PC Wheeler of Thames Valley Police to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

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

- 1) On inspection of the premises licence it states that Mr Jit Budhathoki is the premises licence holder. Upon speaking to you, you stated that you had owned the business since 14th February 2014 and that you had not known at the time how to transfer the licence. That means you have been trading illegally utilising someone elses licence for over three years. This is unacceptable. You were advised several times to rectify this with immediate effect and it was pointed out to you that you could do this by utilising a solicitor for legal advice; doing it yourself online via the Council's website or attending the Council offices where we would assist you with the application. At the time of writing this, you have not done this. If you do not rectify this situation immediately, then we will have to consider more formal action and you will have to stop selling alcohol.
- 2) The address on your Personal Licence was incorrect. This is an offence under the Licensing Act 2003 and should be rectified immediately.
- 3) There seemed to be confusion over what age verification policy you were operating at the premises. When questioned, the age verification policy was, at first, 18. Then it moved up to 21. And then 24. The condition on your premises licence states that the premises should be operating Challenge 25. You are therefore in breach of this condition (condition 4 on page 14) and the mandatory condition in relation to an age verification policy on page 5. Please utilise Challenge 25 immediately and ensure that it is

appropriately advertised via posters and that all of your staff are aware. Please remove the 'Challenge 18' posters.

3) Condition 1 on page 14 in relation to the use of an incident book was not being complied with. No incident book was being used. Please ensure that a book is being used and that all staff are trained in how to use and maintain it.

4) Condition 2 on page 14 in relation to all authorised alcohol sellers having achieved the BIIAB Level 1 qualification could not be demonstrated as being complied with. Yourself and Mr Gurung have personal licences which is acceptable. However, the personal licence of BIIAB Level 1 qualification for one of the staff could not be produced. The fourth person stated as being authorised had neither a BIIAB Level certificate or a personal licence and should therefore not be selling alcohol at all. Please rectify this immediately either by sending the relevant people on the course or by not allowing them to sell alcohol.

5) Conditions 3 and 5 on page 14 in relation to staff training were not being complied with. No written documentation could be produced to show that any staff member had been trained on how to responsibly sell age restricted products or trained on the premises' age verification policy. No refresher training could be shown as being done as no records were produced. This is a breach of both of these conditions and should be rectified immediately.

6) Your written alcohol authorisation list needs updating and the person who does not have a BIIAB qualification removed from it.

7) No Section 57 notice could be produced. This notice states where Part A of the premises licence is kept and who has custody of it. Please ensure this is rectified.

8) Neither yourself or Mr Gurung could tell officers what the four licensing objectives were. This is particularly concerning given that you are both personal licence holders and are supposed to be actively promoting them to sell alcohol responsibly. You should also be training your staff in what they are and how they should be promoted. It leads to the question as to how the licensing objectives can be being actively promoted at your premises if nobody knows what they are. Please ensure that you refresh yourselves and your staff on this and include it in any training you do.

9) We spoke to you about a voluntary scheme the Council will be implementing to stop high strength alcohol being purchased by known street drinkers. Street drinking is having a detrimental impact on the local community and is known to cause anti social behaviour. You were given a document called a 'Retailer Passport' to assist you in your training and a poster which you stated you would use. You also stated that you had already implemented a policy to only sell cans of super strength beer and cider above 6.5% in packs of 4. This is welcomed. If you need any assistance on this matter then please contact me as we are looking to tackle the issue of super strength alcohol down the entirety of the Oxford Road.

Please ensure that point number 1 above is rectified immediately and that points 2-8 are rectified within 7 days. Please notify me at the above email address when you believe that all of the above have been completed.

Should you wish to discuss the issues in this letter then please contact me.

Yours faithfully

Mr Richard French
Licensing Enforcement Officer



Frances Martin
Executive Director of Economic
Growth & Neighbourhood Services
Civic Offices, Bridge St, Reading, RG1
2LU

Our Ref: 054769

e-mail: [REDACTED]

☎ 0118 9372 846

Date: 21 October 2020

E-mailed to: [REDACTED]

Your contact is: Robert Smalley, Licensing

Dear Sirs,

Licensing Act 2003

Premises Name: K B Superstore

Premises Address: 337-339 Oxford Road, Reading, RG30 1AY

On 19/10/2020, myself and Thames Valley Police Licensing Officer, Declan Smyth visited your premises to ensure you are complying with the above premises licence and to advise on any matters that may arise during the inspection.

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

Conditions agreed with licensing

- Condition 1 on page 14 states that an incident register must be in use at the premises to record any incidents which impact on any of the 4 licensing objectives. You stated that no incident book was used at the premises and didn't appear to understand what the condition meant; presenting your refusal register instead. I believe that you eventually understood what is required to comply with this condition, so please ensure that this is rectified immediately.

Advisories

- During my inspection, I asked if you had read the letter from Thames Valley Police dated 04/09/2020 which contains their findings following an inspection they conducted on 28/08/2020. You confirmed that you had read this letter and replied to it stating that all issues had been remedied. I then asked if you had read and understood the proposed conditions contained in the letter and if you were willing to have those conditions replace the current conditions on your licence. You stated that you are willing to have the proposed conditions added to the licence. I then conducted an inspection as if the proposed conditions already applied to the licence to see if you had done any work towards complying with the proposed conditions. My results are as follows:

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

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

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

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

Your current training does not include proxy purchasing or recognising foreign ID's

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.

You were complying with this condition

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;

As per your current licence, you were not complying with this condition

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.

You were complying with this condition

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

You were complying with this condition

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

You were complying with this condition

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

You were currently displaying beers and ciders above 6.0%

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.

You did have a CCTV system installed and connected to a monitor, however, when asked to provide evidence that you were complying with this condition, you were unable to operate the system and, in fact, managed to seemingly disconnect or switch off the system. Please refer to the user instructions to ensure that you are able to operate the system fully and, in turn, comply with the above condition.

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

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

Yours faithfully



Robert Smalley
Licensing Enforcement Officer

