

LICENSING ACT 2003 HEARING - THURSDAY 26th MARCH 2020 @ 1030HRS
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Bar Iguana/Premier
11 St Mary's Butts
Reading
RG1 2LN

2. Applicants Requesting Review:

Thames Valley Police

3. Grounds for Review

The application is for the review of premises licence in respect of the above-mentioned premises. The application has been submitted by Thames Valley Police, who are a named responsible authority under the Licensing Act 2003, in regards to the objectives of prevention of crime and disorder, public safety and public nuisance. The reason for the application is that a number of violent incidents have occurred in and around the premises, which include large scale fights, possession of drugs, a stabbing and use of a Taser to arrest an individual. The most recent of which happened on the 21th December 2019 where a large-scale disorder occurred outside the premises. Inspection of the premises found a number of management failures.

4. Date of receipt of application: 21st January 2020

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

5. Date of closure of period for representations: 18th February 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 JC-2**

Letters of support have been received Attached as **Appendix JC-3**

Additional evidence has been supplied by Thames Valley Police attached as **Appendix JC-4**

Additional evidence has been supplied by the Premise Licence holder attached as **Appendix JC-6**

On the 12th March 2020 Licensing officers requested that the hearing be adjourned due to the late production of paper and CCTV evidence. The licencing committee agreed to adjourned the hearing to 26th March 2020

7. Background

This premises is located on St Mary's Butts and is part of the Broad street Mall Shopping complex and is within the Council's Cumulative Impact Area.

The Premises Licence Holder is: **Mr Mohammed Saleem**

The DPS is: **Mr Kamal Ahmed Saleem**

The premises currently has the benefit of a premises licence. A copy of the current licence is attached at **Appendix JC-5**

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)

Licensing objectives and aims

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

1.3 The licensing objectives are:

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

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

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

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;

Purpose

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

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

The role of responsible authorities (eg Police)

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should

have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.

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

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

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

The Review Process

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

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

11.10 Where authorised persons and responsible authorities have concerns about

problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Powers of a licensing authority on the determination of a review

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

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

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

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.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the

alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

Reading Borough Council Licensing Policy Statement (2018)

1.5 This licensing policy aims to make Reading's night time economy an economy for all. A diverse range of responsibly run premises are to be encouraged. The licensing authority wishes to discourage drunkenness and a move away from alcohol led vertical drinking establishments. We would expect responsibly run premises to actively promote the licensing objectives through promoting extra seating at their premises; instigating effective dispersal from their premises at the conclusion of licensable activities and engagement with the licensing authority and other responsible authorities in policies, initiatives and strategies that promote Reading as a safe, healthy, diverse and vibrant night time economy suitable for all.

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.

Other Initiatives

2.19 Reading's night time economy has achieved Purple Flag and Best Bar None status. These are nationally recognised schemes meaning the town has achieved a level of excellence and we would expect all licence holders and potential applicants to take cognisance of these standards and practices. The Authority and its partners shall seek to work with all stakeholders in the town to maintain these standards. The town also has a very successful and well attended Pubwatch scheme both in the town centre and in the outer areas of Reading. This scheme is supported by Thames Valley Police and Reading Borough Council and is a particularly useful forum for licence holders to share information, best practice and work in a collaborative manner so as to make the night time economy as vibrant and safe as possible for all. The Authority would expect all prospective applicants and current licence holders to make use of their local Pubwatch scheme and engage fully in any relevant initiatives that stem from it.

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.

Other Legislation that the Licensing Authority will consider

3.7 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Reading Borough Council Act 2013 which deals with street trading and touting
- Health and Safety at Work Act 1974 and Food Hygiene regulations
- Planning legislation (see paragraphs 2.2-2.9 of this policy)

Licensable Activities

4.15 This policy relates to all applications for the following licensable activities:

- The sale of alcohol by retail
- The supply of alcohol to club members
- The provision of regulated entertainment:
 - Performance of a play
 - Performance of a film
 - An indoor sporting event
 - Boxing or wrestling
 - Performance of live music
 - Performance of recorded music
 - Performance of dance
- The provision of late night refreshment (the sale of hot food and drink between 2300hrs and 0500hrs)

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.

5.15 The Act provides strict guidelines, timescales and procedures for review applications and hearings and the Authority will deal with every review application in accordance with these rules.

7. Licensing Hours

General Approach

7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions

about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on licensing hours for the locality of each premises. All applications will be considered on its individual merits.

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

7.4 Where it is deemed appropriate and proportionate to do so, the authority may seek to reduce the hours for licensable activities in order to promote an orderly and gradual dispersal from a certain area or certain premises.

Enforcement Approach

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

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

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

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

will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

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

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

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

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

Relevant Case law for consideration

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

East Lindsey District Council v Abu Hanif (2016)

Daniel Thwaites plc v Wirral Magistrates’ Court and Others

10. Appendices

Appendix JC-1: Review application & appendices

Appendix JC-2: Representation from Reading Borough Council.

Appendix JC-3: Letters of support.

Appendix JC-4: Additional Information submitted by Thames Valley Police

Appendix JC-5: Current premises licence.

Appendix JC-6: Additional information has been supplied by the Premise Licence holder

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 | |
| Bar Iguana/Premier 11 St Marys Butts | |
| Post town Reading | Post code (if known) RG1 2LN |

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

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| LP2001343 |

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Thames Valley Police C/O Reading Licensing Dept Reading Police Station Castle Street Reading RG1 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 ✓

-
-
-
-

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 and public safety make an application for the review of Premises Licence No.LP2001343 Bar Iguana/Premier, 11 St Marys Butts, Reading, Berkshire, RG1 2LN.

A number of incidents involving violence and assaults as well as larger scale disorders have taken place in the vicinity of Bar Iguana/Premier whilst the premises is open to the public during the night time economy hours.

Furthermore, on the 14th December 2019 the Premier element of the premises has been discovered to have been selling alcohol after 0300 hours and thus carrying out unlicensable activity, as the off licence conditions state off licence sales can only take place between 0700 – 0200 hours and sales have been discovered via CCTV to have been taking place after 0300 hours.

Thames Valley Police submit that this review is necessary in order to promote the four licensing objectives and with specific regard for the prevention of crime and disorder, public safety and public nuisance.

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

Bar Iguana/ Premier benefits from a premises licence which in effect incorporates two very different styles of business, an off licence and a late night vertical drinking bar.

The first being **Bar Iguana** which provides the following key elements (referred to as first floor bar);

Sale by retail of alcohol

Sun – Thurs 1000 – 0200
Fri – Sat 1000 – 0300

Hours open to the public

Sun – Thurs 1000 – 0300
Fri – Sat 1000 – 0400

The second being **Premier off licence** (referred to as The Off Licence);

Sale by retail of alcohol

Mon – Sun 0700 – 0200

Hours open to the public

Mon – Sun 0700 – 0700

In order to provide a history of the premises licence the following chronology details a number of examples of incidents which have occurred at the premises as well as Police inspections and interactions that have occurred over the period of time that the premises licence holder has controlled this premises licence.

12/09/2012 – Gen 40 report provides detail of an investigation into the premises failure to provide CCTV relating to an incident on the 04/09/2012. The DPS at the time stated that the system was broken and at his home for repair. A section 19 Closure notice had to be issued in order to rectify the situation.

14/09/2012 – Email from PC Wheeler to Mike King (previous TVP licensing officer) stating that a visit to Iguana had shown that the CCTV system was now working but only recording for 25 days. The email also details a further Section 19 notice that was issued for failure to provide a barriered smoking area.

16/05/2014 (0135 hours) – A Gen 40 report from officers detailing their concern that door supervisors working outside of Iguana were deliberately concealing their door badges and failing to display them.

29/06/2014 – An email from PC Wheeler to Mike King, Inspector Keith Stacy and Reading Borough Council officers. The email details ongoing concerns with the display of Part A of the licence and a lack of knowledge of staff as to who actually controls the premises and licence. The email also suggests further discussions to look at the suitability of the shared licence.

06/08/2014 (2325 hours) – A Gen 40 report detailing seventeen year old male that was located inside Iguana both consuming alcohol and also in possession of drugs.

22/02/2015 (0130 hours) – A Gen 40 report detailing a scuffle amongst customers from Iguana.

28/02/2015 (0310 hours) – Gen 40 report detailing incidents of disorder outside of Perfect Chicken & Ribs and Premier and the consequent Police baton line that had to be put into place to disperse the area.

28/02/2015 (0330 hours) – Gen 40 report detailing scuffles involving large groups of persons outside Perfect Chicken & Ribs and Premier requiring large numbers of officer to clear the area and the premises asked to voluntarily close. Police required baton lines to clear the area.

09/04/2015 (a) (1000 hours) – A Gen 40 report form detailing an joint TVP/RBC trading standards inspection at Premier/

09/04/2015 (b) (1039 hours) – A Gen 40 report form detailing the failures recorded during a joint TVP/ RBC operation.

14/04/2015 – A letter from Mike King to the Premises Licence Holder Mr M Saleem requesting he attend Reading Police Station for a formal Tier one meeting.

19/04/2015 – A letter addressed to Mike King from Miss Sunya Saleem who had been working at the premises on the day of the inspection, stating that the reason she could not answer the questions posed on the day was due to a historical incident involving a dog when she was seven years old, and as she was scared and intimidated by the sniffer dog and the police she blanked out on the day.

24/04/2015 – Notes from a performance meeting held at Reading Police Station with the PLH, Kamal Saleem & their solicitor detailing concerns and potential changes to the licence and improvements that could be made.

08/05/2015 – Letter from Mike King to the Designated Premises Supervisor (DPS) providing a number of recommended conditions that it was felt needed to be included on the premises licence.

10/06/2015 – Letter from Kamal Saleem (DPS) responding to Mike King stating that a search policy had been put into place at Iguana and that licensing training every twelve weeks was being completed and logged. (*of note is that none of the recommended conditions were added to the licence or agreed to at the time).

22/07/2015 (0401 hours) – A URN report detailing a person that was pushed out of the Premier shop whereby the shop assistant at the time threatened to “Lick” them with their belt.

28/04/2018 (0108 – 0341 hours) – A Gen 40 report detailing concerns with the unmanaged smoking area of Iguana and the consumption of bottles of alcohol on the street by either customers of Premier or patrons of Iguana. The report also references the inability of security staff to manage the crowd and also a concern that they did not have enough staff to manage situations that may arise.

29/04/2018 (0145 – 0154 hours) – A Gen 40 report detailing further concerns in relation to the quality of security staff at Iguana/Premier, alcohol consumption on the street and youths who were observed running in and out of the premises. Urges for inspections at the premises and raises concern over the lack of a defined smoking area.

30/04/2018 – An email from Declan Smyth (Licensing officer) to the DPS outlining changes to the premises CCTV and remaining concerns over the quality of footage.

20/07/2018 – A letter from Broad Street Mall to the DPS and PLH outlining a concern discovered during an inspection in relation to fire safety and asking for an updated fire risk assessment. (*NB as of the most recent TVP inspection (24/12/2020) the issues detailed within this letter had

still not been addressed and had not been addressed)

14/02/2019 (0342 hours) – A report from Broad Street Mall security detailing a radio call from Bar Iguana door security reporting an incident outside of Perfect chicken & ribs which ended at 0400 hours requiring police to make an arrest.

15/02/2019 (0122 – 0130 hours) – A report from Broad Street Mall security detailing a radio call from Bar Iguana security staff asking for assistance at Premier with two males causing a problem. Police are reported to have arrived and removed him to their vehicle.

04/03/2019 (0350 hours) – Report from Broad Street Mall security detailing Bar Iguana door security staff involved in dealing with males fighting with a broom.

20/07/2019 – A further letter from Broad Street Mall to the DPS and PLH outlining a concern discovered during an inspection in relation to fire safety and asking for an updated fire risk assessment. (*NB as of the most recent TVP inspection (24/12/2020) the issues detailed within this letter had still not been addressed and had not been addressed)

17/11/2019 (2300 – 0000) – Gen 40 report detailing that a person had entered Iguana during a “private party” who the manager wanted to be ejected. Police were required to remove the male as the venue had NOT employed any security. Officers were told that NO security had been employed as it was a private party ad they legally did not have to have them!

08/12/2019 (0400 hours) – A large fight occurs in the street in ST Marys Butts and large crowds of people are observed via CCTV outside of PCR and the Premier store. Persons are seen to run from the area of the premises towards the fight. Later in the incident which escalates to a disorder involving twenty plus persons a vehicle is seen to drive deliberately at a group of females walking along the street and then make off from Police.

The officer reports concerns over large crowds of people attracted to the area by the shops which causes mass disorder (CCTV evidence is provided)

13/12/2019 (2319 hours) – Gen 40 report detailing a female leaves the premises down the staircase (Iguana) and falls down causing serious injuries.

14/12/2019 (0300 – 0306 hours) – CCTV shows staff at Premier selling bottled beer and bottles of spirits to customers outside of their licensable hours.

19/12/2019 (a) – A GDPR request form submitted by PC Jones to Premier requesting footage from the entire licensable area 0300 hours till 0430 hours on the 1st, 8th and 14th December 2020.

19/12/2019 (b) - A GDPR request form submitted by PC Jones to Bar Iguana requesting footage from the entire licensable area 2300 hours till 0030 hours on the 13th December 2020.

20/12/2019 – Reading Borough Council EHO safety inspection sheet in relation to the accident investigation on 13th December 2020.

21/12/2019 (0440 hours) – Gen 40 report details officers having to arrest individuals gathered in the vicinity of PCR and then the later arrest and Taser incident relating to a male who begins an argument with a crowd of people gathered outside of Premier. (CCTV and body worn video is provided)

23/12/2019 – Premises inspection sheet completed by PC Wheeler detailing the initial notes of the inspections at Premier and Iguana.

23-24/12/2019 – Gen 40 licensing report detailing the full results of the inspection carried out at Premier/Iguana completed by PC Wheeler and also providing timings of body worn video

evidence of the inspections and details of the closure notice that was issued. During the inspection issues were identified surrounding licensing compliance and lacking clear processes and due diligence surrounding the training of staff and general record keeping. There were also concerns that were recorded surrounding fire and safety precautions and a failure to provide an up to date fire risk assessment.

It was confirmed that at the time CCTV within Iguana was inadequate and no barrier to delineate a smoking area was in place and a section 19 closure notice was issued.

Finally having completed inspections over a 48 hour period Thames Valley Police concluded that a number of amendments to the Iguana door book had been made in a suspected fraudulent retrospective effort to provide the appearance that refusals had taken place at Iguana on at least two occasions.

In conclusion the Premises Licence Holder (PLH) of Iguana/Premier has failed over a number of years to uphold the licensing objectives by failing to ensure that the premises licence conditions are adhered to, and or that the relevant expected levels of due diligence are completed in relation to the ownership and management of a late night vertical drinking establishment.

Coupled with this are the numbers of disorders and incidents linked to the vicinity of this premises which are in part conducive with the premises failure to manage the area suitably as well as the attraction of large crowds of intoxicated persons to the area to purchase alcohol from the shop or generally loiter outside of the premises to drink alcohol from the shop or purchased within Iguana.

There are concerns which have been raised with regards to the failure of security staff to manage the area, their lack of numbers and lack of quality. We also have concerns surrounding the sharing of security personnel with Perfect Chicken & Ribs and a lack of transparency in relation to those sharing protocols.

In terms of attempting to address issues at this premises Thames Valley Police have had a number of interactions with the PLH and DPS over the years and in 2015 a number of similar concerns were brought to the attention of the PLH and conditions offered at that stage.

The response from the premises was that policies had been put into place and words to the effect that efforts had been made to redeem the issues, (no conditions were added or amendments made).

Since that date there has been constant issues with failure to produce CCTV and insufficient quality of CCTV provision. These issues remain to date and currently of the footage requested in December 2019 only portions of the cameras asked for were provided for the 14th December 2020 at Premier and no footage for the 1st or 8th December 2020 was available due to system failure.

Also of the required Iguana footage requested it was provided without date or time stamping as the screen had been literally filmed by the DPS on his mobile phone as it appears either the system did not allow for a direct recording to be produced or no one knew how to use it.

During an inspection at Iguana the manager Terry Holder stated that he had no knowledge of training and certainly did not know any of the four licensing objectives. However, Mr K Saleem suggested that training had been provided in writing however there was no record of this and certainly Mr Holder did not reference this.

Iguana has recently had a report of an accident which had been investigated by the Reading Borough Council whereby a female fell down the stairs and injured herself seriously. The record in the premises door book is slightly misleading as it gives the impression that the intoxicated female was led down the staircase and in effect she was supported in some manner. However the footage which clearly shows she has been served to the point of incapability provides evidence that no one walks directly in front or behind of her and she is left to walk down the long staircase alone before she falls down at the foot of the stairs.

Police who attended had to call an ambulance as staff had failed to do this and on body worn video taken by PC Wheeler during his consequent inspection you can see the poor condition of the stairwell and carpet.

In relation to public safety and fire precautions concerns have been raised by the Broad Street Mall on two occasions with relation to a lack of fire risk assessment at the premises and required rectifications to the stairwell in Premier and the fire exits. Thames Valley Police also note this as a concern and this can also be seen during the inspection by PC Wheeler.

Furthermore a number of CCTV exhibits are available in relation to incidents which have occurred over a number of years and within the vicinity of this premises.

Iguana/Premier sits in the centre of a triumvirate of premises controlled by the current premises licence holder which cause major issues of crime and disorder by attracting large crowds to the immediate vicinity. These crowds many of whom are customers and some of whom are friends of customers are not managed effectively by the premises whom are unable to control their behaviour or prevent the crime and disorder which they cause.

Thames Valley Police submit that this is due to a number of factors, including poor general management of the premises and compliance with licensing conditions. As well as poor and inadequate security provision. This in turn is compounded by external factors such as the nature and volume of customers and persons attracted to the premises and its vicinity as well as external factors such as their intoxication levels.

We would ask that you consider the victims of the assaults and incidents in the vicinity of this premises, and the failure of this premises to promote the licensing objectives by lacklustre management processes and a failure of their systems such as CCTV and inadequate and poor security provision.

You may also consider the inter linked failure of the other premises under the control of this premises licence holder; and although we must focus specifically on this premises it cannot be underestimated that Thames Valley Police discovered door supervisors booking on and working at both PCR and Premier/Iguana in what is suspected to be an attempt to “shortcut” processes.

It is made difficult that all three premises share a small frontage together, and all provide a detrimental effect on this vicinity. You could say the cumulative impact of these premises are the cause of the main cumulative impact issue in the whole of St Marys Butts.

With that in mind we have provided within the appendices a DAVM report which in effect shows the locations which are the greatest crime generators within Reading town centre between 2300 hours and 0600 hours. You will note that St Marys Butts is the number one demand location, and to put that into context Friar Street is 17th! We would like to point out the high number of licensed premises in Friar Street that are open between those hours compared to the very low number in St Marys Butts. Unfortunately this is a glaring reflection on the volume of crime and calls for service that we suggest are attributable to Premier/Iguana as well as its partner premises.

Finally please also give consideration to the video evidence for the sale of alcohol after the licensable hours on the 14th December 2019 and historical incidents where persons under 17 years old also got served alcohol.

The options available to the sub – committee are as follows and Thames Valley submit the following recommendations in relation to those options.

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

Thames Valley Police recommend that if the sub-committee are of a mind not to revoke this

premises licence that a number of modifications and amendments would be required along with reductions of the hours for both licensable activity and hours open to the public.

Due to the complexity of having one premises licence for two distinctively different premises a list of potential amendments and conditions shall be provided in due course for consideration by the licensing sub-committee.

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

Thames Valley Police believe that it is necessary to prevent crime and disorder and in order to promote public safety and the protection from children from harm to reduce the hours for the provision of the sale of alcohol and hours open to the public in conjunction with all of the proposed conditions that shall follow if the sub-committee decide not to revoke the premises licence;

Hours for the sale of alcohol (Off Licence)

0700 hours until 2300 hours Monday to Sunday

Hours the premises is open to the public (Off licence)

0700 hours until 2300 hours Monday to Sunday

Hours for the sale of alcohol (Iguana)

1000 hours until 0000 hours Monday to Sunday

Hours the premises is open to the public (Iguana)

1000 hours until 0030 hours Monday to Sunday

These proposed hours are supported by the times of incidents which occur at the premises as well as the current cumulative impact policy (albeit this is not a CIP related representation).

- **Revocation of the licence;**

Thames Valley Police would highly recommend that the sub-committee seriously consider the revocation of this premises licence or a separation of the premises licence in the first instance as the most appropriate and proportionate measure in order to prevent this premises continuing to undermine the licensing objectives. There has been a history of poor management and processes linked to this premises licence and numerous incidents of crime and disorder involving both individuals and groups.

It may be an option to amend the licence in a manner to remove the Iguana element from the licence and change the off licence hours and amend / add conditions and then require application for a new relevant licence for Iguana.

However the main requirement is to ensure that both premises are clearly separated and the licenses fit for purpose; and in a position to support and not undermine the licensing objectives.

The position of this premises and its proximity to other premises under the control of this premises licence holder both individually and together cause a focal point for disorder in the vicinity, and have led to St Marys Butts maintaining its position as the highest crime generating street in Reading town centre between the hours of 2300 and 0600.

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

If the sub-committee were not of a mind to revoke the premises licence as recommended, Thames Valley Police would ask that the sub-committee gives consideration to a period of suspension of the licence in order to provide the premises licence holder sufficient time to implement the condition changes and reduction of hour's processes that may be implemented.

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

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation **unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.**

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, **it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.** Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

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

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.

11.23 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

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.14 The authority, whilst taking all applications on their own merits, will not generally grant applications for the 24 hour sale of alcohol for consumption off the premises. The authority will expect proactive measures to be included within the operating schedule that prohibits or restricts the sale of high strength beers, lagers and ciders above 6.5% in order to assist with preventing street drinking, preventing anti social behaviour and to actively promote the licensing objectives.

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol related anti social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as 'Reducing the Strength' are proven to reduce alcohol related anti social behaviour in the Borough.

6.17 The Council has introduced a controlled drinking zone across Reading which allows the police to seize alcohol and receptacles. Applicants and current licence holders will be expected to take cognisance of this and put measures in place that avoid alcohol being

purchased and then consumed on the street.

6.18 The sale of alcohol to underage young people is an offence under the Licensing Act and can severely undermine the prevention of crime and disorder and the protection of children from harm licensing objectives. The excessive consumption of alcohol by young people is also likely to impact negatively on health outcomes. Applicants for off licences will be expected to include robust measures to ensure that alcohol is sold responsibly and that any staff are trained to a high level to achieve this. Evidence of best practice in terms of recording refusals of age restricted products will be expected within all applications

6.27 The licensing authority is of the opinion that premises that are alcohol led; provide limited seating for customers; provide little food and provide entertainment facilities have the strongest potential to undermine the promotion of the licensing objectives. The licensing authority believes that venues that encourage up right vertical drinking and the sale of alcohol – often at cheap prices – leads to a negative impact on the town and only serves to promote drunkenness and crime and disorder. Any applicant who wishes to operate such a venue will have to demonstrate that it's proposed use does not undermine the promotion of the licensing objectives and the authority would expect any operating schedule to contain stringent policies and procedures to achieve this. Measures such as CCTV, employment of door supervisors and the use of a club scan device will be expected as a minimum requirement. Door staff will also be expected to wear high visibility jackets and armbands so that they can be easily identified as well utilising – where appropriate – body worn video to help promote the prevention of crime and disorder licensing objective. The use of breathalysers is also to be encouraged in venues that are alcohol led and should – where appropriate - be advertised as a condition of entry to a licensed premises – particularly given the current prevalence for pre-loading.

6.33 The authority is committed to ensuring public safety in licensed premises by working in close partnership with Royal Berkshire Fire and Rescue Service subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005.

6.34 Applicants and licence holders are expected to produce a comprehensive fire risk assessment before their premises is used for licensable activities. This document should be revised and maintained in accordance with the provisions of the Regulatory Reform Order 2005.

7.13 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during their normal trading hours. However, in the case of individual shops that are suspected or known to be a focus of crime and disorder, anti social behaviour or public nuisance, then subject to relevant representations being received, a limit on licensing hours and opening hours may be appropriate.

7.14 Premises that provide licensable activity that may undermine the promotion of the four licensing objectives; cause disturbance to residents or in any way exacerbate issues of anti-social behaviour and crime and disorder, are expected to adopt, implement and maintain a robust dispersal policy. Licensed premises in residential areas or within the Council's Cumulative Impact Area are also expected to outline measures such as a suitable wind down time where licensable activities will come to a gradual conclusion before closing time to allow for a gradual and orderly dispersal from the premises and area. It is expected that all staff will be aware of any dispersal policy and wind down times so as to ensure that customers actively leave the premises and area within permitted hours and with the minimum of disturbance to local residents.

7.15 In the case of nightclubs, dance venues and similar premises, it is expected that licence holders and designated premises supervisors instigate and operate a wind down time starting at least thirty minutes before closing time. During this time, the pace, volume and type of music played should be slowed down and reduced to background levels. The sale of alcohol should also cease and staff should be available to assist in the gradual dispersal of patrons from the premises and the immediate area. It is expected that door supervisors should also assist with the gradual

dispersal of patrons from the premises and the area and direct people to public transport if appropriate.

7.16 There are concerns about noise, nuisance, crime and disorder and anti-social behaviour in respect of premises open late and providing hot food and drink. Operators and potential applicants of late night refreshment venues wishing to open past 11pm will need to demonstrate that there are suitable policies and procedures in place to mitigate any undermining of the licensing objectives from their operation. If suitable practices and policies are not put in place and it is the belief of the Authority that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late night refreshment premises, then the Authority will look at reducing the hours and or (subject to relevant representations being received) removing late night refreshment from an application in its entirety.

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 below.

QBD, ADMINISTRATIVE COURT

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

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

B e f o r e:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Respondent

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

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

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.

APPENDICES

CCTV

APPENDIX 1 – Compilation CCTV

Clip 1 – 05/08/2017 General CIP example of disorderly incident in St Marys Butts *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises)*

Clip 2 – 05/12/2015 General CIP example of a serious fight incident which occurred at 0421 hours in St Marys Butts opposite Bar Iguana/Premier. *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises)*

Clip 3 – 04/04/2012 at 0329 hours a female is seen to leave Perfect Chicken & Ribs (PCR) and is immediately punched and knocked unconscious by a male. *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises albeit it is linked to the neighbouring premises sharing the same PLH)*

Clip 4 – 09/06/2018 at circa 0500 hours showing general disturbance outside the vicinity of Bar Iguana/Premier requiring police attendance.

Clip 5 – 10/07/2011 at 0108 hours showing staff from PCR attacking customers from Premier newsagents.

Clip 6 – 11/03/2012 at 0237 hours showing a male being assaulted by a female having come from the doorway of PCR and then a group of males fighting as a consequence. *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises albeit it is linked to the neighbouring premises sharing the same PLH)*

Clip 7 – 12/08/2012 at 0303 hours showing CCTV of an incident where it is suspected that a female had previously been assaulted which led to two males being knocked unconscious outside of vicinity of Bar Iguana/Premier.

Clip 8 – 14/02/2019 at 0335 hours showing 4/5 males having purchased PFC food fighting in St Marys Butts. *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises albeit it is linked to the neighbouring premises sharing the same PLH)*

Clip 9 – 21/04/2012 circa 0200 – 0300 hours showing large numbers of males running from Iguana and then a consequent mass disorder whereby at least two persons are knocked unconscious. Door supervisors are seen but ineffective and it is difficult to determine if they are from Iguana or Perfect Chicken & Ribs (PCR).

Clip 10 – 21/12/2019 circa 0336 (footage is one hour in front of real time) hours showing multiple police officers having to remain in the vicinity of Bar Iguana/Premier to prevent disorder and an arrest at 0341 hours nearby. Then later at 0427 hours door supervisors attempting to deal with further incidents and still requiring police assistance. *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises albeit it is linked to the neighbouring premises sharing the same PLH)*

Clip 11 – 2012 circa early hours showing a large fight involving customers from PCR. *(sub-*

committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises albeit it is linked to the neighbouring premises sharing the same PLH)

Clip 12 – 20/04/2018 at **0128 until 0341** hours showing general concerns and mismanagement of the vicinity likely linked to Premier/Iguana.

Clip 13 – 29/03/2012 at **0215** hours showing a fight involving persons within the vicinity of Bar Iguana/Premier and a lack of security is observed.

Clip 14 – 29/04/2018 at **0150** hours showing drinking on the street outside of Bar Iguana/Premier premises which is unmanaged by security.

Clip 15 – 19/02/2012 at **0148** hours large fight involving multiple groups from the vicinity of Bar Iguana/Premier and a member of security suspected to be from either this premises or another managed by the PLH in a hi-vis jacket is seen attempting (but failing) to prevent the disorder.

Clip 16 – 13/12/2019 at circa 2330 hours showing a heavily intoxicated female who had been served alcohol to the point of incapability leaving the premises down the staircase and unaccompanied at the time. At the foot of the staircase she is seen to fall causing serious and potential life changing injuries.

Clip 17 – NOT APPLICABLE IN THIS REVIEW

APPENDIX 2

Clip 1 – 01/12/2019 at **0348** hours (footage shown is one hour ahead) showing females and males carrying white bags from PCR and throwing litter and eating food from PCR (some of the group involved in incident next clip). Then at **04:01:11** shown as 05:01:11 one of the offenders is shown outside PCR prior to committing an assault. At **04:03:45** during a fight a male was stabbed in the neck. *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises albeit it is linked to the neighbouring premises sharing the same PLH)*

Clip 2 – 01/12/2019 is a compressed version of the above.

Clip 3 – 08/12/2019 at **04:04:55** hours (footage shown is one hour ahead) showing large volumes of people outside of Bar Iguana/Premier and other linked premises which appear unmanaged by security. Large number of persons then run from Premier and joined by large numbers of others from outside PCR and that vicinity. A large fight ensues in the middle of the road and at **04:07:34** persons involved in the fight drive a vehicle into a group of pedestrians and then make off from police through a red light.

APPENDIX 3

Clip 1 – 21/12/2019 at **0442** hours showing body worn video footage of crowds gathering in the vicinity of the premises and a consequent arrest and Taser incident. *(sub-committee should consider the amount of weight that can be placed upon this evidence as it shows issues in the area but is not specifically linked to this premises)*

APPENDIX 4

Clip 1 – 14/12/2019 between 0300 to 0306 hours footage from within Premier (off licence) showing alcohol being sold to customers outside of the premises licensable hours.

APPENDIX 5

Clip 1 – 23/12/2019 showing body worn video footage of the initial inspection at Premier by PC Wheeler.

APPENDIX 6

Clip 1 – 23/12/2019 showing body worn video footage of the initial inspection at Bar Iguana by PC Wheeler.

APPENDIX 7

Clip 1 – 23/12/2019 showing body worn video footage of the first follow up visit to Bar Iguana/Premier and includes the service of a Section 19 closure Notice.

APPENDIX 8

Clip 1 – 24/12/2019 showing body worn video footage of the second follow up visit to Bar Iguana/Premier 1 of 2.

APPENDIX 9

Clip 1 – 24/12/2019 showing body worn video footage of the second follow up visit to Bar Iguana/Premier 2 of 2.

APPENDIX 10 – Licensed premises incident report dated 12/09/2012.

APPENDIX 11 – Email stating that CCTV was now working at the premises.

APPENDIX 12 – Licensed premises incident report 16/05/2014.

APPENDIX 13 – Email from PC Wheeler to Mike King raising concerns around the premises licence on 29/06/2014.

APPENDIX 14 – Gen 40 dated 06/08/2014 underage drinking.

APPENDIX 15 – Gen 40 21/02/2015.

APPENDIX 16 – Gen 40 09/04/2015.

APPENDIX 17 – Gen 40 09/04/2015.

APPENDIX 18 – Letter to Mr M Saleem requesting a performance meeting 14/04/2015.

APPENDIX 19 – Letter from Miss S Saleem 19/04/2015.

APPENDIX 20 – Minutes from a licensing performance meeting on 24/04/2015.

APPENDIX 21 – Letter to Mr K Saleem dated 08/05/2015.

APPENDIX 22 – Letter from Mr K Saleem dated 10/06/2015.

APPENDIX 23 – URN dated 22/07/2015 at 0401 hours.

APPENDIX 24 – Gen 40 28/04/2018.

APPENDIX 25 – Gen 40 29/04/2018.

APPENDIX 26 – Email from Declan Smyth to Mr K Saleem dated 30/04/2018.

APPENDIX 27 – Letter from Broad Street Mall to Mr Saleem on 20/07/2018.

APPENDIX 28 – Incident report from Broad Street Mall security dated 14/02/2019.

APPENDIX 29 – Incident report from Broad Street Mall security dated 15/02/2019.

APPENDIX 30 – Letter from Broad Street Mall to Mr Saleem on 20/07/2019.

APPENDIX 31 – 2 x GDPR request forms dated 19/12/2019.

APPENDIX 32 – Incident report from Broad Street Mall security dated 04/03/2019.

APPENDIX 33 – Gen 40 17/11/2019.

APPENDIX 34 – Gen 40 13/12/2019.

APPENDIX 35 – Licensed premises inspection sheet dated 24/12/2019.

APPENDIX 36 – Gen 40 Licensed premises inspection result dated 24/12/2019.

APPENDIX 37 – Section 19 closure notice dated 23/12/2019.

APPENDIX 38 – DAVM report showing St Marys Butts as the highest demand location within the town centre.

APPENDIX 39 – Iguana door safe log book examples 13/12/2019 – 11/01/2020.

APPENDIX 40 – Log book images taken on 23/12/2019 and 14/01/2019.

APPENDIX 41 – Copy of incident report staff training and refusals log 2020.

APPENDIX 42 – RBC health & safety report dated 20/12/2019.

APPENDIX 43 – Bar Iguana/ Premier licensed premises summary report as of 16/01/2020.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature  5787

Date 20/01/2020

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.

THAMES VALLEY POLICE

LICENSED PREMISES INCIDENT REPORT

Division Central Reading NHPT

Station: Reading

Name of Premises: Bar Iguana, 11 St Marys Butts, Reading, Berkshire

Time and Date of Incident: 04/09/12 Relating to EA4113734/12

Sources of Information (i.e. Discovered by Police on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)

Report by PS 1445 HALL having attempted to gain CCTV in relation to a Criminal investigation and was told that the "CCTV is broken" led to Licensing check on 12/09/12 by PC 5787 WHEELER.

Please see page below for full circs

THAMES VALLEY POLICE

Nature of Incident:

Having been provided with the above circumstances the License belonging to the premise was checked for conditions relating to CCTV, the following condition must be noted and can be found on page 16, Annex 2, condition (4):

The premises must have installed a comprehensive CCTV system, in accordance with the Association of Chief Police Officers, standard to specification approved by the Crime Reduction Advisor of the Thames Valley Police. The CCTV system shall be effectively maintained and ensures all areas of the licensed premises are monitored on both floors, including all entry and exit points, and which enables frontal identification of every person entering in any light condition to the off licence and upstairs bar area. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. A sign advising customers that they are on CCTV shall be positioned in a prominent position. Staff shall be trained how to retrieve the information.

Having contacted via telephone the DPS Alistair Scott at 16:17 hours on 12/09/12 Scott was asked 1) To attend Bar Iguana so the system could be checked to see if the above condition was being complied with and 2) Did he know that a further condition from the same annex relating to a barriered smoking area existed and why it was not being adhered to? That condition is worded as below:

The external area designated as a smoking area for customers of the upstairs bar area shall be clearly marked by barriers and regularly supervised. Alcohol will not be consumed in this area.

Alistair replied to the first question words to the effect firstly that this was bad timing as he had friends coming to his house so couldn't come to the bar and resolve this, and secondly that the CCTV system was actually at his house as it was broken and he was trying to fix it himself!

This confirming that the CCTV condition currently is not being complied with if the bar were to re open and also during the period of time between the Officers report on 4th september 2012 and now.

As to the second query, Alistair stated he thought the barriered smoking area related to the venue when it was a café and therefore had never implemented it.

Again this confirms non compliance with this License condition, and a lack of knowledge of the License conditions by the DPS.

During the conversation Alistair was informed that a section 19 closure notice would be served in relation to the CCTV non compliance and he was told that although this notice does not in itself force him at this time to not open and sell alcohol, that it does notify him officially that to do so would be in breach of his License conditions and that if he does allow alcohol to be sold without the CCTV correctly working in line with the condition that Police would apply to Magistrates for a closure notice and review of the Premise license.

Alistair was made aware this would be served immediately on staff at Premier who share the License and the form would be available for him there.

Details of Person(s) arrested or reported and offences:

Alistair Scott [REDACTED] Designated Premise Supervisor

THAMES VALLEY POLICE

Action taken in all other cases:

Section 19 served at 17:25 hours to Sarah Saleem the daughter of the premise license holder and received on behalf of DPS Alistair Scott.

Licensing Officers must convene performance meeting or consider review of premise License. Visit must be paid to premise to confirm when CCTV is working correctly.

Advice to CCTV operators and response Supervisors to check venue if it opens after the notice has been served.

Other Information:

GEN 40 endorsed:

CCTV Seized? Y or N if 'Y' Property Number? _____

Date: 12/09/12

Officer Reporting: PC 5787 WHEELER

To be forwarded to the Chief Inspector Prosecutions for filing

Wheeler Simon

From: Wheeler Simon
Sent: 14 September 2012 00:09
To: King Mike; Narancic, Peter
Cc: Pitman Rob
Subject: IGUANA

FYI

I visited this evening and their CCTV now works and the initial Section 19 can be rescinded however there are two issues which need to be checked in 7 days time.

- 1) It currently only records for 25 days, but apparently an external hard drive is about to be purchased to lengthen this.
- 2) At the moment the machine does not burn to disc, and instead images are transferred by memory stick, so we need to determine if that is sufficient. DPS did state they keep a spare stick at the premise to do this immediately as required.

I have however issued a second section 19 regarding the smoking area and barriers. As it stands they need permission from Broad St Mall to comply with this condition and get sufficient safe barriers etc so at the moment the condition is not being complied with.

I have explained that they have 7 days to rectify this and the timescale should be sufficient for them to get this arranged, safely and correctly. They understand the requirement of this section 19 does not require them to close complying with current legislative interpretations.

Mike – The new form is on your desk, and a letter rescinding the first section 19 needs to be issued to them as currently I have done this verbally only.

Thanks

Simon

| | | |
|---|--------------------|---------------------|
| Shoulder No/Name: PC 6271 WILSON | Station: EA | LPA: Reading |
|---|--------------------|---------------------|

| | | | |
|-----------------------------------|-------------------------------------|-------------------------|----------|
| Premises Name/Location: | Bar Iguana, St Marys Butts, Reading | | |
| Incident Date: | 16/05/2014 | Incident Time: | 01:30hrs |
| Command & Control URN: | - | Crime Report(s): | - |
| CCTV Seized? | No | | |
| Sources of Information: | Police Officers | | |

Doormen at Bar Iguana were deliberately not wearing their SIA badges. Officers initially noticed they were not wearing their badges due to a complaint from a member of the public that they would not show their badges to them when they were refused entry. They were observed for about half an hour after that and kept the badges on and were even seen to move the badges from one pocket to another.

When approached by officers (PC 6271 and 7695), it was obvious to both officers that the doormen were doing this deliberately as they seemed very reticent to put their badges on; it was obviously not an oversight as they did not seem surprised. They eventually put their badges on and kept them on. They also had them on display on 17/05/2014.

The doormen were:



The premises supervisor is technically Kamal SALEEM, who was working in the shop underneath, was made aware of this.

The manager and the person who is taking over the licence is Ben COX-SMITH who came down and seemed rather unaware of what was happening or that they needed to show their badges. He was however fully compliant and concerned by this and assured us he would check this in future.

None. PC 6271 and 7695 dealt with the incident by telling the staff to put their badges on display.

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

Wheeler Simon

From: Wheeler Simon
Sent: 29 June 2014 19:13
To: King Mike
Cc: Stacey Keith; jean.champeau@reading.gov.uk; 'Narancic, Peter'
Subject: Bar Iguana Licesing visit

Mike

Along with all the other bits I have sent you I did also visit Bar Iguana on Saturday.

The first problem they had was finding a copy of their part A.

It's still an issue because they share the License with Premier; firstly that means the License is wholly unsuitable with regards to the type of Operation that Iguana is. and secondly this also creates problems because no one ever knows where the Part A is as it's shared.

Having initially visited and not being shown the Part A of the License I returned a few hours later when they produced what I was told was on old part A with Ben Cox Smith shown as DPS.

Now I thought he still was the DPS?! But the staff were saying that it has now changed again to Saleems son who works in premier sometimes.

In truth they did not really know what was going on with the License and by the time I had left, although I had seen this old copy I still was none the wiser about it either.

In terms of the staff at the bar they tried to be helpful and it was very quiet so no real issues there or major concerns as yet, however the big problem is that the management of it still seems to be a right royal muddle and from what I can see the split License is the real concern for us, and the most likely cause of the muddle.

I would suggest that a serious conversation with Saleem need be had along with the Council to get the Licenses separated and more suitable conditions for both iguana and premier put on so that both premises have fit for purpose conditions.

Regards

Simon

Police Constable 5787 Simon Wheeler
Abbey and Battle NHPT
Reading LPA
101
07973 231273
simon.wheeler@thamesvalley.pnn.police.uk



Shoulder No/Name: PC 7769 SMITH **Station:** Reading **LPA:** Reading

Premises Name/Location: Bar Iguana, ST MARYS BUTTS, READING
Incident Date: 06/08/2014 **Incident Time:** 2325
Command & Control URN: 1717 OF 06/08/2014 **Crime Report(s):** 43140148124
CCTV Seized? NO
Sources of Information: ET - TOWN CENTRE CCTV AND PCs 7769 SMITH & 7063 SMITH Eye witness

ET called to state that they had witnessed a male with a red baseball cap with long hair out the back and dark clothing potentially dealing drugs outside of ARGOS, OXFORD ROAD, he was then seen entering one of the doorways near the Eastern entrance of BROAD ST MALL. Officers attended and saw no sign of the male in the PREMIER SHOP or PFC, so entered Bar Iguana.
 There was loud music playing upstairs in the bar area and the venue had no staff on the door. Officers entered to talk to staff but could find none before entering the premises proper. Upon entering, the male described was at the bar having just ordered two beers. The male was taken out of the bar and arrested on the street. Once in the vehicle, the male stated he was 17 years old and also that he was annoyed as he had just ordered two pints prior to being escorted out of the bar.

There were no staff until we entered the bar area of the premise. Once we entered the bar a black male of approximately 40-50 years of age, with a bushy afro approached us and, identified himself as staff and asked how he could help. He was not wearing an SIA armband and had no identifiers that he was a member of staff

The male was arrested as stated and taken to custody where he was searched. He was found to have two bags of cannabis upon him and also no ID.
 Officers who attended were PC SMITH 7769 and PC SMITH 7063.
 There looked to be approximately 50 people in the bar, no one seemed overly intoxicated although we were only inside for a matter of seconds and only went about 5 feet into the bar. The reason for the GEN40 is that a 17 year old without ID was able to purchase alcohol.

| Name | Date of Birth | Role | Action Taken | Ref No. (e.g. Custody, PND etc) |
|------------|---------------|---------|--------------|------------------------------------|
| [REDACTED] | [REDACTED] | Suspect | Arrested | [REDACTED] |
| | | | | |
| | | | | |

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









Shoulder No/Name: PC 219 IRVING **Station:** READING **LPA:** EA

Premises Name/Location: IGUANA, BROAD STREET, READING
Incident Date: Saturday 21st February 2015 21/2/15 **Incident Time:** 01:30
Command & Control URN: **Crime Report(s):** NA
CCTV Seized? NO
Sources of Information: PC 268 KENNEDY PC 219 IRVING

Disorder- several persons involved in a scuffle in the entrance at outside the front of IGUANA on Broad Street READING, this had spread from inside club whilst door staff were exiting people from the club after they had been causing trouble inside.

Door staff attempted to break up the fight and the bar owner came out to see what had happened and to also give his version of events.

all males involved s.35'd and made to leave READING TOWN CENTRE.
Officers Involved: PC IRVING 219, PC KENNEDY 268, PC CAREY 7808, PC WELLS 162

| Name | Date of Birth | Role | Action Taken | Ref No. (e.g. Custody, PND etc) |
|---|---|----------------------|--------------|------------------------------------|
|  |  | Fighting outside bar | S.35 | |
|  |  | Fighting outside bar | S.35 | |
|  |  | Fighting outside bar | S.35 | |
|  |  | Fighting outside bar | S.35 | |

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

| | | |
|--------------------------------|--------------------|---------------------|
| Shoulder No/Name: P0688 | Station: EA | LPA: READING |
|--------------------------------|--------------------|---------------------|

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|-----------------------------------|---|-----------------------|---------------|
| Premises Name/Location: | PERFECT CHICKEN | | |
| Incident Date: | 28/02/15 | Incident Time: | 03:10 ONWARDS |
| Command & Control URN: | Crime Report(s): | | |
| CCTV Seized? | YES | | |
| Sources of Information: | STATEMENTS FROM OFFICERS DEALING WITH DISORDER. | | |

DURING OPERATION NIGHTSAFE FROM 03:10 ONWARDS, POCKETS OF DISORDER KEPT ON DELEVELPOING ORIGINATING FROM THE IMMEDIATE VICINITY OF PREMIER STORES AND IN PATRICULAR PERFECT CHICKEN, ST MARYS BUTTS.

INTIALLY STAFF SUPPORT FROM THE PREMISIES WAS SLOW AND UNDYNAMIC HOWEVER WHEN THE STORE WAS TOLD IT WAS BEING SHUT DOWN , THE PREMISIES WAS CLEARED INCREDIBLY QUICKLY. THE MALE BELOW WAS ARSTED DURING THE BEGINING PERIOD OF DISORDER

ARREST OF THE SUSPECT BELOW AND HAS BEEN BAILED. OTHER THEN ARRESTS THE POLICE RESPONSE TO LATER DISORDER WAS A BATON LINE AROUND THE LOCATION TO ENCOURAGE DISPERSAL OTHER OFFICERS TO ADVISE ON SUSPECTS FOR ARRESTS MADE..

| Name | Date of Birth | Role | Action Taken | Ref No. (e.g. Custody, PND etc) |
|------------|---------------|---------|---------------|------------------------------------|
| [REDACTED] | [REDACTED] | SUSPECT | ARREST / BAIL | [REDACTED] |
| | | | | |
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| | | | | |

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

Shoulder No/Name: P4417 WRAY

Station: READING

LPA: BW

Premises Name/Location: PERFECT FRIED CHICKEN, ST MARY'S BUTTS, READING

Incident Date: 28/02/15 **Incident Time:** From 03:30 hours

Command & Control URN: 764 - 27/02/15 **Crime Report(s):** None by officer reporting but several arrests made by other officers.

CCTV Seized? Not by 4417

Sources of Information:

While crewed with P5693, a number of scuffles between various groups of intoxicated people broke out in the area immediately outside of PFC and the Newsagents nextdoor

Due to the large number of intoxicated persons congregating outside of the premises at this time of the day, officers were forced to increase their presence as there were too many persons present and the only means to restore order was to close both businesses (authorised by supervisors) and most of the officers on duty were required to form lines with batons drawn to get the area clear and make people start to disperse.

Following order being restored, upon return to the police station, same groups returned to the area and doorstaff reported more fighting. Officers were forced to return and formed lines (again with batons drawn) in order to move the parties away (this time they were forced up to the junction with BROAD STREET where the line was held.

Doorstaff initially informed officer that there were no issues inside the venue and upon being told that they had to close, were fully co-operative with requirements and assisted in doing so.

As stated above, large number of officers were needed to be deployed which was carried out by supervisors in order to deal with the incidents.

Supervisor made the decision to close both venues in order to prevent members of the public from congregating in the area which was contributing to the disorder.

Supervisors from Team 4 will be the main point of contact for further details as their officers (unknown to officer reporting) made the arrests. I have been asked to provide details as on of the initial attending officers.

| Name | Date of Birth | Role | Action Taken | Ref No. (e.g. Custody, PND etc) |
|------|---------------|------|--------------|------------------------------------|
| | | | | |
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Shoulder No/Name: C2116**Station:** EA**LPA:** West Berkshire

| | | | |
|-----------------------------------|---|-------------------------|-------|
| Premises Name/Location: | Priemer Store, St Mary's Butts, Reading | | |
| Incident Date: | 9 th April 2015 | Incident Time: | 10.00 |
| Command & Control URN: | NA | Crime Report(s): | NA |
| CCTV Seized? | No | | |
| Sources of Information: | TVP Licensing | | |

On 24th April 2015 TVP licensing were alerted to a report from a team made up of Trading Standards Officers equipped with a sniffer dog specialising in detecting illegal tobacco. In support of this team were PC6571 Marr and PC 5787 Wheeler from the Town Centre Neighbourhood Team. PC Wheeler conducted a licensing check which proved to be far short of being satisfactory.

PC Marr alerted TVP licensing to what was a breach of the Licensing Act 2003 (the Act). Licensing visited the premises only to find a young female in charge of the shop. She was asked if she had a Personal Licence to which she replied "No". She was asked if there was any other person in the premise with a Personal Licence to which she replied "No". She was asked if she had been authorised to retail alcohol on behalf of the Designated Premise Supervisor (DPS) to which she replied "I don't know".

She was asked to what level of training in alcohol sales she had been given to which she replied "I have been trained to use the till".

All this time alcohol was uncovered and available for sale.

Normally without hesitation.

The young female made a telephone call and the telephone was handed over. It was explained to the person on the other end that a number of breaches of the Act had taken place in that there was a young person in charge of the premise without a Personal Licence, there was no one else on site who was a Personal Licence Holder and that the young assistant had not been authorised to retail alcohol on behalf of the DPS, having advised that she had received no training in the retail of alcohol.

The female explained that she was only there as a stand in as she and others were not available. She was advised that several offences had been committed and that the sale of alcohol should not be authorised it should be covered up to which she replied that it would be.

She was further advised that as offences had been committed a performance meeting would need to take place and that the Premise Licence Holder (PLH) would be advised of the date, place and time of the meeting.

She then asked to speak to the young female who then proceeded to cover up the alcohol.

| | | |
|--|-------------------------|---------------------|
| Shoulder No/Name: PC 5787 Wheeler | Station: Reading | LPA: Reading |
|--|-------------------------|---------------------|

| | | | |
|-----------------------------------|---|-------------------------|----------|
| Premises Name/Location: | Premier/Cafe Iguana, 11 St Marys Butts, Reading | | |
| Incident Date: | 09/04/2015 | Incident Time: | 1039 hrs |
| Command & Control URN: | n/a | Crime Report(s): | n/a |
| CCTV Seized? | No | | |
| Sources of Information: | Joint TVP/RBC Trading standards operation | | |

Trading standards operation utilising sniffer dog to detect illegal tobacco.

TVP Licensing check - determining current license compliance

- 1) Part B of License front page only was displayed (LP2000609)
- 2) Shop asst did not know who had authorised her to sell alcohol.
- 3) Shop asst did not know who the DPS was.
- 4) No written authorisation to sell alcohol by the shop asst had been given.
- 5) Stated the age verification policy was "18" when asked if she knew what the policy was.
- 6) Stated she had received no training in relation to alcohol sales.
- 7) Stated she did not know what the Licensing objectives were.
- 8) Stated she had no idea if there was a refusals register.
- 9) Section 57 notice shown but staff member was not on the list.
- 10) Part A of the license was not provided.

Report passed to Mike King TVP licensing and Peter Narancic RBC for follow up.

| Name | Date of Birth | Role | Action Taken | Ref No. (e.g. Custody, PND etc) |
|--------------|---------------|-----------|--------------|------------------------------------|
| Sunya Saleem | | Shop asst | | |
| | | | | |
| | | | | |
| | | | | |

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



Mr Mike King
Licensing Officer
Reading & Bracknell LPA
The Police Station
Castle Street
Reading
RG1 7TH

E-mail: mike.king@thamesvalley.pnn.police.uk

14 April 2015

Mr M Saleem
44 Radstock Road
Reading
Berkshire
RG1 3PS

Dear Mr Saleem

Licensing Act 2003
Premier Store, St Mary's Butts, Reading

Following my visit to your premises on 9th April 2015 where I found an unauthorised person in charge of the premises you are requested to attend Reading Police Station for a formal Tier One meeting with myself and a licensing officer from Reading Borough Council.

The meeting will take place at 11.00 a.m. on Tuesday 21st April 2015.

If you require any further information or assistance then please do not hesitate to contact me where every assistance will be given.

Yours sincerely

Mike King
| Licensing Officer | Thames Valley Police | Reading & Bracknell Local Police Area |
Telephone 101 | Internal 7516353 | Fax 01189 536353 |
Reading Police Station, Castle Street, Reading, RG12 7TH

19th April 2015

To Mike King Thames Valley Police and
The Licensing Officer Reading Borough Council

Dear Sir,

On the 9th of April, six to eight Police Officers stormed into the premises very suddenly accompanied with a dog, this made me feel extremely nervous and slightly intimidated. I am 18 years old and this is my first ever job. I have only been working in premier store, which is my father's shop for around a month. I received my training along with two other employees on the 26th of March 2015, the training covered various things from our challenge 25 policy and the four licensing objectives to providing part A of the license when a officer asks. The reason I was unable to do so on the day and answer the questions put to me such as about the new copy of Section 51 which I know is placed the other entrance door of the counter was because I had completely blanked out. When I was seven years old on a family holiday in Pakistan I was bitten by a vicious dog, so if I ever see one walking towards me I usually cross the road or turn around back the other way. The officer could have asked me for my poster on the day I would have been unable to answer him, I have no idea why they felt the need to bring the dog behind the counter, they must have seen I was visibly shaken. I could not sleep that night, even now recalling the event has me sweating and shaking.

Between the dog and the aggressive approach from the police officers I had a black out, my mind went completely blank. It took me a few minutes to compose myself after they had left, I extend my sincere apologies and in return I ask for your understanding in the circumstances.

Yours Sincerely

Sunya Saleem

huzaf

**Licensing Meeting for Bar Iguana/Premier
Ground Floor Conference Room (G39), Reading Police Station
24 April 2015, 10am**

Present: PS Rob Pitman
Mike King, Licensing Officer TVP
Peter Narancic, RBC
Miah Saleem
Mr. Yiakoumi
Mr. Kamal
Maria Saltrese, Notes

Apologies: None

Item 1
Welcome and Purpose of Meeting

Saleem gave a letter to Peter which was written by his daughter which was read by Peter.

Mike King welcomed everyone to the meeting and did introductions.

Item 2
Review of Issues

CAP Operation – overview given by Mike. This Operation was looking for tobacco and it was not intelligence led, it was based on area visits. Trading Standards led the operation and they found a young lady who was unauthorised to sell alcohol, had no training in alcohol and she was in charge of the Club. She said she was trained to use the till. Mike reviewed breaches identified during the execution of the Operation. Mike reviewed the crime figures from last year and noted the increase. He reviewed previous files including 16th May last year incident and 6th of August 2014 – male seen selling drugs on Oxford Road, he went into Iguana and he was 17. Kamal asked for the time of the incident – Mike said 2325.

Yiakoumi asked how many shops were searched. Mike said around 10. Saleem asked what other shops had dogs (searching) in them. Mike advised yes they are used in others. The dogs belong to Trading Standards advised Rob Pitman. Saleem asked if anyone contacted him about the concerns in relation to the dogs/search. Mike said he did not know and could find out. Mike advised he felt the door staff was seen to be ineffective.

SIA badges are needed and used. To get the badge you have to pass a course confirmed Yiakoumi and the ones at Iguana have this training/badges. Yiakoumi advised he has seen effective work by the door staff and there have been incidents, because of their actions, that meant Police were not needed. Mike expressed concern about the lack of training from the shop assistant. Saleem expressed concern and advised that she was scared due to the impact of the dogs searching. Mike said she told officers she only had training for the till.

Kamal advised he received training with his sister (the lady/shop assistant mentioned above). Saleem advised she is authorised. Saleem said his daughter was authorised. Ben Smith is the DPS advised Kamal.

Mike read details from report (from incident).

Rob Pitman advised the issue with regard to Police supporting Trading Standards will be reviewed and accepted Saleem's concerns regarding the need to contact and work with premises.

Saleem expressed concern as the shop assistant is his daughter and he takes pride in Reading – his life in the town.

Mike advised he will get statements from the officers in relation to the incident.

The DPS was in charge of the shop downstairs and it needs to have a separate person (in charge) in the Bar advised Mike.

The licenses need splitting – they must be separate advised Mike. Mike advised you need an authorised – a person who is authorised to sell alcohol should not be the same as the person who runs the bar. This person is only authorised and trained to retail alcohol from the shop.

Kamal confirmed opening times of the shop and the bar and confirmed delivery service times that are not currently being used (as part of the business). Peter advised there is one set of alcohol selling hours. There should be a demarcation between the club and the Bar and the shop. Saleem advised they no longer do the delivery.

Peter advised it is the control that is the issue. Ben Smith authorises confirmed Saleem.

Saleem advised these matters need to be brought to his attention sooner rather than later so he can/could have taken appropriate action. Additional paperwork and expense is of concern expressed Saleem. He commented on the fact that small businesses are greatly impacted by this.

Kamal advised he checks IDs as well as his colleagues.

Is everything in place in your shop now? Peter asked. Saleem and Kamal said yes. Mike advised on 9th of April the shop CCTV was out of sync by one hour.

Yiakoumi asked the way forward.

Peter said: Splitting of license and separate DPS for upstairs.

Kamal asked about the Section 57.

Door staff – more detail on their responsibilities in this section would be helpful advised Peter.

6th August last year was the date of the incident confirmed Rob.

Mike advised Friday and Saturday evening's door staff will be employed. Door staff should be on both confirmed Peter.

Doorman for Premier and one for Iguana is needed Mike advised according to the license. If the license is split you could have a set of conditions for each would be helpful advised Mike.

Saleem commented the he feels he has been badly treated and is considering selling business family and feels abused. Mike asked for details and Saleem declined.

Rob suggested that a recommendation be put forward for Saleem's consideration.

Rob will review incident with dog and concerns expressed by Saleem's daughter.

Saleem advised he would like to be personally contacted for any futures concerned. Peter suggested further training for staff. Saleem advised he will ensure that his staff are trained. One person with license upstairs and one downstairs – Peter suggested.

Kamal advised that when his there he never sells alcohol to people who are intoxicated and confirmed it is the in refusals book.

Kamal asked if test purchases where done in Premier. Rob advised he does not know. Saleem suggested it be actioned and is confident staff are fully trained.

Mike advised on one CCTV there were four unconscious people on the floor and they were just outside the premise. V advised there was one that started on Hosier Street. Saleem and V said they did not see the one Mike refers to.

Kamal advised often incidents happen in other places and they can end up outside of our premise and you will here the officer saying 'outside Perfect Chicken' when in fact it did not start there. Mike advised often times people congregate, not buying anything, and trouble can happen. It is now a static point for Police. V reviewed other areas that appear to be Police static points. Since the Police have a presence there, trouble has gone down. Trouble tends to happen after 2 a.m. You can put a camera there. Once someone has had a drink they don't care (about cameras) until Police show up. Mike said that corner never needed Police. Purple Turtle has numerous officers outside their premise. Premier needs less.

Kamal advised Zeus Bar is responsible for much of the trouble in the area. Rob advised work is being done to address this. Yiakoumi advised Police presence does help maintain peace. Mike said Police were never needed there. Kamal advised door staff do try to help prevent crime.

Kamal advised certain venues in the area are more responsible than others in the area – they serve individuals who come out totally intoxicated and this should be addressed. Rob advised work is being done to address this issue.

Yiakoumi said that the amount of women that go out and get drunk and in trouble has increased. How do you control limits? In relation to how they can make a profit. It is sad to see the young women behaving like this. Rob advised it is an issue we are working on.

Saleem advised he always asked for a Police presence all the time and he is happy to have officers around as it reduces trouble. Small businesses, like us, the time we can make money is when the bigger business close. Saleem advised he will do everything possible.

Item 3 **Recommendations**

Agreed (summarised by Rob)

- In one week – supply Mike with evidence of staff training.
- Consider splitting license.
- Ensure all staff are made aware of the licensing conditions (Mike/Rob to provide additions for consideration)
- Consider increasing conditions on license.

- Ensure written search and dispersal policy (for staff/door teams)
- Ensure you are following what is on the license already (make sure staff are aware)

Smoking area is separated and glass bottles are picked up and put in a bin advised Kamal.

Saleem advised he is happy to work on the above.

Meeting concluded at 12.10.



Mr Mike King
Licensing Officer
Reading & Bracknell LPA
The Police Station
Castle Street
Reading
RG1 7TH

E-mail: mike.king@thamesvalley.pnn.police.uk

08 May 2015

Mr K Saleem
115 Church Road
Epley
Reading
RG6 1HG

Dear Mr Saleem

Licensing Act 2003
Bar Iguana & Premier Store, St Mary's Butts, Reading

I write following our meeting of 24th April 2015 regarding the licence for the above.

At the conclusion it was agreed that Thames Valley Police (TVP) in one week would be furnished with details of the training of all staff at the premises involved with the sale of alcohol. This has yet to arrive.

It was also agreed the TVP would supply two separate sets of conditions, one for the bar and one for the store downstairs. Please find attached the two sets of conditions.

Consideration was to be given to the TVP request that the premise licence be split to make it clear through the two sets of conditions who is responsible for what.

If you require any further information or assistance then please do not hesitate to contact me where every assistance will be given.

Yours sincerely

Mike King
| Licensing Officer | Thames Valley Police | Reading & Bracknell Local Police Area |
Telephone 101 | Internal 7516353 | Fax 01189 536353 |
Reading Police Station, Castle Street, Reading, RG12 7TH

Neighbourhood Policing and Partnerships (NP&P)

Bar Iguana

Public Safety

1. During periods when regulated entertainment is being provided and the premise is open to the public, a nominated individual, with appropriate training and experience, shall be identified as being responsible for the bar areas.

2. Appropriately trained SIA door supervisors shall be present whenever their is regulated entertainment is taking place. A register of door supervisors shall be kept. The register shall show the following details:
 - Full SIA registration number.

 - Date and time that the door supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.

 - Date and time that the door supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.

The door supervisor register shall be kept at the premises and be available for inspection by an authorised officer of Thames Valley Police, or an authorised officer from Reading Borough Council Council and shall be retained for a period of six months.

Door Supervisors shall be clearly identifiable at all times whilst on duty through Hi-Vis personalised armbands.

At any time when regulated entertainment is being provided and the premise is open to the public there shall be a minium of 1 door supervisor on duty for every 75 persons present or part thereof.

The Premise Licence Holder shall ensure that at least 1 female door supervisor shall be available when regulated entertainment is being provided and the premise is open to the public, in order, when necessary, to conduct outer body searches on female customers.

3. The Licensee shall implement an active policy, agreed with TVP, to prevent illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures.

Notices shall be displayed advising the public that an outer body search is a condition of entry and that the Police shall be informed if anyone is found in possession of illegal drugs or offensive weapons.

The venue shall also actively partake in drugs initiatives run by TVP (including, but not exclusively, drug itemiser, passive drug dogs and spiked drinks campaigns).

Neighbourhood Policing and Partnerships (NP&P)

4. A closure and dispersal policy, agreed with TVP, for controlling the closing of the premises and the departure of customers at the conclusion of the licensed activities shall be put in place and shall be actively operated. No new customers shall be permitted entry to the premise after **02.00**.

Re-entry for existing customers leaving the premise to smoke is permitted and, where appropriate, subject to an outer body search by door supervisors when returning to the premise.

5. All events using promoters, not normally associated with the premise, shall require notification to the Police a minimum of 10 days prior to the event taking place. The notification shall identify the promoter, the event being promoted and the nature of the music being promoted.

These events shall be subject to a full risk assessment, to be carried out by DPS, or a nominated individual and be made available on request to an authorised officer of TVP.

The risk assessment shall identify when tickets are sold in advance and or to be available on the night. The risk assessment shall include the requirement for additional measures when searching for illegal drugs and weapons, additional door supervisors including female door supervisors, venue staff, briefing details to all staff, reference checks on all promoters and DJ'S and where appropriate and the use of a search wands.

6. An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail. If incidents involve members of staff, including door supervisors their names shall be entered onto the log book. All incidents shall be signed off either by the DPS or the nominated individual when the DPS is not on site.

All visits by an enforcement authority, all refusals of service, entry and capacity numbers whilst door supervisors are on duty shall be recorded and weekly review of the incident book shall be carried out and signed off by DPS. The incident book shall be retained for a period of six months and shall be made available on request to any authorised Police Officer or officer of West Berkshire Council.

7. A CCTV system shall be installed, in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. The system shall be maintained and operated correctly to the satisfaction of TVP, ensuring **ALL** licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points enabling frontal identification of every person entering and in any light condition.

All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with time and date stamping and except for mechanical breakdown beyond the control of the proprietor shall be made available upon request to the police and authorised officers of the council. Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable. Any request from TVP Reading Borough Council for a recording to be made for evidential purposes must be carried out within forty eight hours.

Neighbourhood Policing and Partnerships (NP&P)

Recordings shall be made available to an authorised officer of TVP or an authorised officer of Reading Borough Council together with facilities for viewing **with immediate access by a person qualified to operate the system.**

The recordings for up to the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available upon 24 hours notice.

A notice advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.

8. The Premise shall participate in the 'Reading Town Centre Safe' radio scheme and ensure the radio is fully operational during the licensed period.
9. The Premise Licence Holder shall ensure that staff authorised to retail alcohol shall receive training on a regular basis , every six months, in relation to the Four Licensing Objectives contained within the Licensing Act 2003. Written training records shall be kept, signed off by the members of staff and maintained. These records shall be made available to any authorised Officer of TVP or an authorised Officer of West Berkshire Council.
10. No glasses or bottles shall be permitted on the dance floors.
11. The maximum capacity for the premise shall be determined by an internal risk assessment or a risk assessment conducted by a competent person. This shall include all members of staff and visiting entertainers. The risk assessment shall be made available to any authorised Officer of TVP or an authorised Officer of West Berkshire Council.
12. The Premise Licence Holder shall prevent customers from leaving the premise with any alcohol or non alcohol drinks in open containers.
13. The Premise Licence Holder shall ensure that no drinking glasses, other than toughened glasses, not capable of forming shards when broken, may be used for the serving of drinks.
14. The Premise Licensing Holder shall ensure that the door staff shall manage persons awaiting entry to the premise. They shall ensure queuing customers do not obstruct the highway. This shall also include the external smoking area.
15. The Premise Licence Holder shall adopt a policy for any emergency and evacuation of the premise. All all staff, including door supervisors, shall be trained in the content of the polict.
16. The first floor bar and bar aea's shall be laid out in accordance with plan L. A Lample sheet number 100-05PI Rev.-00.
17. The external area designated as a smoking area for customers of the upstairs bar area shall be clearly marked by barriers and regulary supervised. There shall be no consumption of alcohol or soft drinks in this area.
18. Deliveries of alcohol after 23.00 p.m. shall be dispatched via the service corridor to the rear of the premises i the basement.

Neighbourhood Policing and Partnerships (NP&P)

19. The maximum capacity of the bar area on the first floor shall be 100 persons. This shall include all members of staff including the door supervisors.
20. Persons under the age of 18 are permitted in the upstairs bar area when accompanied by an adult until 22.00 p.m.

Prevention of Public Nuisance

1. The Designated Premises Supervisor shall ensure that no noise emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance.
2. All windows and doors on the first floor shall be kept shut during performances of live music.
3. The Premise Licence Holder shall ensure that suitable notices shall be placed at the exits of the premise requesting customers to leave quietly.
4. No tables and chairs shall be used externally by the premises for customers.

Protection of Children from Harm

1. The premise shall at all times operate a challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to staff members to be under the age of 25 years without having first provided identification.

Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premise.

2. Persons under the age of 18 shall not be allowed to play any AWP machines.
3. When adult entertainment is provided at the premise persons under the age of 18 will not be permitted.

Neighbourhood Policing and Partnerships (NP&P)

Premier Store

Public Safety

1. An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail. If incidents involve members of staff, including any door supervisors their names shall be entered onto the log book. All incidents shall be signed off either by the DPS or the nominated individual when the DPS is not on site.

All visits by an enforcement authority, all refusals of service, entry and capacity numbers whilst any door supervisors are on duty shall be recorded and weekly review of the incident book shall be carried out and signed off by DPS. The incident book shall be retained for a period of six months and shall be made available on request to any authorised officer of Thames Valley Police (TVP) or authorised officer of Reading Borough Council (RBC).

2. A CCTV system shall be installed, in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. The system shall be maintained and operated correctly to the satisfaction of Thames Valley Police, ensuring **ALL** licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points enabling frontal identification of every person entering and in any light condition.

All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with time and date stamping and except for mechanical breakdown beyond the control of the proprietor shall be made available upon request to any authorised Officer of (TVP) or (RBC). Any breakdown or system failure will be notified to the Thames Valley Police immediately and remedied as soon as practicable. Any request from any authorised Officer of Thames Valley Police or Reading Borough Council for a recording to be made for evidential purposes must be carried out within forty eight hours.

Recordings shall be made available to an authorised officer of TVP or RBC together with facilities for viewing **with immediate access by a person qualified to operate the system.**

The recordings for up to the preceding two days shall be made available immediately on request.

A sign advising customers that CCTV is in use shall be positioned in a prominent position.

3. The Premise Licence Holder shall ensure that staff authorised to retail alcohol shall receive training every six months, in relation to the Four Licensing Objectives contained within the Licensing Act 2003 particularly in relation to the sale of alcohol. Written training records shall be kept, signed off by the members of staff and maintained. These records shall be made available to any authorised Officer of TVP or RBC.

Neighbourhood Policing and Partnerships (NP&P)

Public Nuisance

1. The premises licence holder shall ensure that all staff trained to retail alcohol shall be aware of the local Designated Public Place Order and are trained in their social responsibilities in the retail of alcohol. Training records shall be kept for a period of 12 months and made available to TVP and RBC.
2. Prominent notices shall be displayed at all exit points at the premises to advise customers that the area surrounding the premises is an alcohol exclusion zone.

Protection of Children from Harm

1. The premises shall at all times operate a challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to staff members to be under the age of 25 years without having first provided identification. This policy shall be in written form and retained at the premises and shall be made available on request to any authorised Officer from Thames Valley Police or Reading Borough Council.

Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

KAMAL SALEEM (DPS)
BAR IGUANA/Premier Stores
11 St Marys Butts
READING BERKSHIRE
RG1 2LN 10/06/15

MR. MIKE KING
LICENSING OFFICER
READING & BRACKNELL LPA

following the concerns that you raised at our meeting on 24th April 2015, I can confirm that as agreed I have set in place a searching on the door policy for the bar. Any drugs or weapons found will be confiscated and police will be notified. Also as agreed I can confirm that all staff are receiving licensing training every 12 weeks, or as and when needed. This is being logged.

furthermore on the 19th May 2015 I booked 2 of our staff in for the personal license course. It is due to take place on the 23rd June 2015. I can confirm for your peace of mind that 1 of them is indeed (Samia Saleem) who was present on your visit.

please find enclosed a photo copy of the receipt of course for (Samia Saleem) and I can confirm that we are running everything in accordance with our license.

Yours Sincerely

KAMAL SALEEM (DPS)

L. S.

ID: 15386867

PREMIER STORES
ST MARYS BUTTS, READING

URN: 138 Date: 22/07/2015 Time: 04:01 Location Reference: 7/9/734/114
 Beat Code: EA44
 Caller: [REDACTED]
 Classification: MISCELLANEOUS : DISORDER/DISTURBANCE/DISPUTE
 Response: BY ARRANGEMENT
 Result: NO FURTHER POLICE ACTION
 Closing Type L2: SUS CIRCUMSTANCE/INSEC PREM/VEH
 Closing Type L3: NO QUALIFIER

Brief Details:

00241/220715: CALLER WAS JUST PUSHED OUT OF THE SHOP BY THE ASIAN SHOP KEEPER WHO WAS VERBALLY AGGRESSIVE AND THREATENED TO LICK CALLER WITH HIS BELT.

Time(mins) from +IC: Despatch = n/a At Scene = n/a Leave Scene = n/a
 Force ID: Res Type: RD: AS: LS: RC: AI: DW: CI:
 No Response Data Found

Details from incident log:

04:03 22/07/2015 C5614 *****
 04:03 22/07/2015 C5614 THIS HAPPENED A COUPLE OF MINS AGO.
 04:03 22/07/2015 C5614 **
 04:03 22/07/2015 C5614 CALLER WAS AT READING SDO MAKING THIS REPORT.
 04:03 22/07/2015 C5614 **
 04:03 22/07/2015 C5614 HE IS TOO TIRED TO WAIT TO SPEAK TO OFFICERS AND ASKED IF
 04:03 22/07/2015 C5614 SOMEONE COULD CONTACT HIM TOMORROW MORNING TO ARRANGE TO
 04:03 22/07/2015 C5614 SPEAK TO HIM ABOUT THIS.
 04:03 22/07/2015 C5614 **
 07:18 22/07/2015 C7634 CALLER IS GOING TO POP IN TO EA ABOUT 11AM TO BE SEEN. I
 07:18 22/07/2015 C7634 HAVE ADVISED HIM THAT HE MAY HAVE TO WAIT BUT SEEMED K
 07:18 22/07/2015 C7634 WITH THAT
 12:06 22/07/2015 C2442 From : ST4
 12:06 22/07/2015 C2442 SPOKEN TO CALLER - HE FORGOT ALL ABOUT IT BUT STATES
 12:06 22/07/2015 C2442 THAT HE WILL BE AT EA IN THE NEXT 30 MINS.
 16:11 22/07/2015 C7634 NOTHING FURTHER FROM CALLER
 16:13 22/07/2015 C7634 I HAVE CALLED EASDO - THEY HAVE NOT SEEN HIM HAPPY FOR
 16:13 22/07/2015 C7634 THIS TO BE CLOSED?
 16:19 22/07/2015 4329 NOTED HBS PT - CALLER NOT AT RISK ATT - HE WAS ATTENDING
 16:19 22/07/2015 4329 SDO TO REPORT BUT DID NOT ARRIVE - SUITABLE TO CLOSE
 16:19 22/07/2015 4329 PENDING HIS ATTENDANCE
 ***** NO TEXT IN CLOSED LOG *****

Submitting Officer
Shoulder No/Name: PC 5787 Wheeler

Station: Reading

LPA: Reading

Incident References
Premises Name/Location: Iguana/Premier, St Marys Butts, Reading, Berkshire

Incident Date: 28/04/2018

Incident Time: 01:08 and 03:41

Command & Control URN: N/A

Crime Report(s): N/A

CCTV Seized? Available from ET

Sources of Information: PC 5787 Wheeler

Nature of Incident – what happened?

During Nightsafe the area outside of Iguana and Premier was observed on two occasions, the first as the area was busy and appeared unmanaged as a smoking/ hanging around area and the second having been called by door supervisors who were reporting a potential aggressive situation

On the first occasion at 0108 hours it was observed that the persons on the street outside of the premises had bottles of alcohol, which they were consuming on the street. The security were attempting (but failing) to remove the bottles from them and management of the area was not defined and overall poor.

On the second occasion security called to report a potential fight; and having again observed the area again it was poorly managed and undefined and persons were again in possession of bottles of alcohol. It was difficult to determine whether the bottles had been removed from premier or had come from within Iguana. However as this is a shared licence both are culpable.

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

From what was observed on the night the security appeared incapable and outnumbered and the area was undefined with no discernable smoking area or management process.

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

CCTV from Echo Tango to be secured to determine if the area is suitably and sufficiently managed.

Recommend a licensing inspection at all three premises within this area as poor management and concerns of crime and disorder in the area are arising.

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

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

| Submitting Officer | | |
|--------------------------------|-------------------------|---------------------|
| Shoulder No/Name: P5787 | Station: Reading | LPA: Reading |

| Incident References | | | |
|-----------------------------------|--|-------------------------|---------------|
| Premises Name/Location: | Iguana, St Marys Butts, Reading, Berkshire | | |
| Incident Date: | 29/04/18 | Incident Time: | 01:45 - 01:54 |
| Command & Control URN: | N/A | Crime Report(s): | N/A |
| CCTV Seized? | ET CCTV available | | |
| Sources of Information: | PC 5787 Wheeler | | |

| Nature of Incident – what happened? |
|---|
| <p>0145 hours - Door staff called ET (shouting inaudible) - Numerous calls made back from ET for clarification what was taking place but they failed to answer. Officers attended but there was no incident taking place - The door staff did not listen or respond to their radio!</p> <p>0150 hours - Males seen outside on the street in front of the premises drinking from a pint glass from within Iguana. Another seen with a bottle, and none of whom were challenged or managed by door security.</p> <p>0154 hours - Group of youngsters hanging around on the street outside of the premises ran in past the security staff who had to chase them in to bring them back out again.</p> |

| Premises Response – what part did staff play? How did they react/assist (include good/poor performance)? |
|---|
| <p>Second night running showed a distinct lack of management outside of the premises and the door staff are uncommunicative and appear unable to manage the area.</p> |

| Police Response – what action was taken? Please identify the main officers who dealt with the incident. |
|--|
| <p>Concerns that there is no defined smoking/patron area - it is unclear the impact of alcohol being brought out from the venue and mixed with customers purchasing alcohol from premier. Anecdotally there are also concerns over the CCTV coverage to the front of these premises.</p> <p>For collection of CCTV from ET and urgent inspection and discussion with Licencing partnership as to action required to ensure the vicinity surrounding these premises is managed correctly to ensure the licensing objectives do not continue to be undermined.</p> |

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

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

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

Wheeler Simon

From: Smyth Declan
Sent: 30 April 2018 15:50
To: [REDACTED]
Subject: CCTV

Dear Kamal,

Thank you for your time on Friday 27th April. Following on from my visit. I have noted that the CCTV system for both the Premier Shop and The Perfect Chicken & Ribs take away restaurant is now in working order and is recording for 31 days. However I do feel that the coverage and picture quality is not adequate and needs urgent updating. As per our conversation I am in agreement that you will clean all camera lenses to improve picture quality and install another 2 cameras for external coverage and 1 camera to the entrance to the Perfect chicken & Ribs shop so as to improve coverage and aid in the prevention of crime and disorder. As per agreement you have 28 days (25th May 2018) to make the improvement and invite me back to view.

Going forward can you please insure that the CCTV system is checked regularly to avoid any further action.

Kind Regards

Declan Smyth

Declan Smyth C2107
Licensing Officer (Reading)
Police Station,
Castle St,
Reading RG1 7TH.

Telephone (Int) [REDACTED] (Ext) [REDACTED] (Mobile) [REDACTED]
Email: declan.smyth@thamesvalley.pnn.police.uk

NOT RESTRICTED



Mr Saleem
Premier/Iguana
11 St Marys Butts
Reading
RG1 2LN

20th July 2018

Fire Test and Inspection

Mr Saleem,

On our latest Fire Alarm inspection the following items were noted in both the above unit Premier Stores

- Door from shop floor to Basement not closing properly and in poor condition.
- Wires hanging down above same door needing attention.
- Basement escape door not immediately available for escape at all times.
- Fire door at bottom of stairs in bad condition and propped open.
- Lighting not turned on in Basement escape area

Given the amount of areas of concern please, could you make available your updated Fire Risk Assessment for the premise for our inspection?

I will need to review this document by August 1st 2018 and will be in store to discuss on this date.

Regards

Laurie Ridgwell

Operations Manager
C.c. Graham Mountford, General Manager.

PHOENIX GROUP SERVICES
 (A DIVISION OF TEMPLEWOOD
Incident Report Form

PGS 61
 Issue 3

INCIDENT /ACCIDENT AT WORK REPORT FORM

COMPLETING THIS FORM:

| | |
|---------------------------------|-------------------|
| Name of person completing form: | [REDACTED] |
| Site | Broad Street Mall |
| Date of Incident | 14/02/2019 |
| Date of report if different | |
| Client informed? | |

Incident report number: 57086/27

EMERGENCY SERVICES:

| Police - arrival on site | Paramedics - arrival on site | Fire & Rescue - arrival on site |
|--------------------------|------------------------------|---------------------------------|
| 03:50 approximately | N/A | N/A |

DETAILS OF INCIDENT:

| | |
|-----------------------------|--|
| Site address: | Board Street Mall. Reading. RG 1 – 7 QE. |
| Exact location of incident: | Outside of Perfect chicken |
| Date of incident: | 14/02/2019 |
| Time of incident: | 03:42am |

WHAT HAPPENED?

Give a detailed, factual description of the incident/near miss, loss illness or damage. Additional information and photos should be attached at the end of the form. I work for Phoenix Group Servicers at Broad Street Mall in Reading as a security officer. I started my shift at 19:00hrs. Whilst I was on duty in the control room at approximately 03:42am I hear over E/Tango of a incident outside of perfect chicken,(it was reported by the doormen of bar Iguana) while I was looking at it the police arrived and made an arrest, it was all over by 04:00hrs.DE.

| | |
|------------------------------|------------------------------|
| Accident book completed? | N/a |
| C.C.T.V. Produced? | N/a |
| Patrol Point Data checked? | N/a |
| Client aware? | Yes If No is there a reason? |
| Phoenix Management informed? | Yes If No is there a reason? |

The most senior person on site at the time of the incident must sign that they have checked the above information and they are satisfied that reasonable measures are in place.

Signed: _____ Name: _____
 Job Title: Security Officer Date: 14/02/2019

A copy of all reports should be sent electronically to Phoenix Group Services Operations Manager

If the incident is reportable (R.I.D.D.O.R) inform the Site Operations Manager as soon as possible as well as a member of Phoenix Group Services Management team.

PHOENIX GROUP SERVICES
 (A DIVISION OF TEMPLEWOOD
Incident Report Form

| |
|-------------------|
| PGS 61 Issue 3 |
|-------------------|

INCIDENT /ACCIDENT AT WORK REPORT FORM

COMPLETING THIS FORM:

| | |
|---------------------------------|-------------------|
| Name of person completing form: | [REDACTED] |
| Site | Broad street mall |
| Date of Incident | 15/02/2019 |
| Date of report if different | |
| Client informed? | |

| | |
|-------------------------|----------|
| Incident report number: | 57090/27 |
|-------------------------|----------|

EMERGENCY SERVICES:

| Police - arrival on site | Paramedics - arrival on site | Fire & Rescue - arrival on site |
|--------------------------|------------------------------|---------------------------------|
| | N/A | N/A |

DETAILS OF INCIDENT:

| | |
|-----------------------------|--|
| Site address: | Board Street Mall. Reading. RG 1 – 7 QE. |
| Exact location of incident: | Premier news |
| Date of incident: | 15/02/2019 |
| Time of incident: | 01:22am-01:30am |

WHAT HAPPENED?

Give a detailed, factual description of the incident/near miss, loss illness or damage. Additional information and photos should be attached at the end of the form. I work for Phoenix Group Servicers at Broad Street Mall in Reading as a security officer. At the above date and time I S10 [REDACTED] was in the control room and heard over the Echo Tango radio, Bar Iguana calling for assistance. I monitored the camera but could not see anything occurring outside. The door supervisor of Bar Iguana reports that there is two males inside the premier store causing a problem. The door supervisor gave no description of the two males causing a problem. Minute's later police arrive and arrest an IC1 male at 01:30 and put him in the police vehicle. End of report

| | |
|------------------------------|------------------------------|
| Client aware? | Yes If No is there a reason? |
| Phoenix Management informed? | Yes If No is there a reason? |

The most senior person on site at the time of the incident must sign that they have checked the above information and they are satisfied that reasonable measures are in place.

Signed: _____ Name: _____
 Job Title: Security officer Date: 15/02/2019

A copy of all reports should be sent electronically to Phoenix Group Services Operations Manager

If the incident is reportable (R.I.D.D.O.R) inform the Site Operations Manager as soon as possible as well as a member of Phoenix Group Services Management team.

PHOENIX GROUP SERVICES
 (A DIVISION OF TEMPLEWOOD)
Incident Report Form

| |
|-------------------|
| PGS 61 Issue 3 |
|-------------------|

INCIDENT /ACCIDENT AT WORK REPORT FORM

COMPLETING THIS FORM:

| | |
|---------------------------------|-------------------|
| Name of person completing form: | [REDACTED] |
| Site | Broad street mall |
| Date of Incident | 04/03/2019 |
| Date of report if different | |
| Client informed? | Yes |

| | |
|-------------------------|----------|
| Incident report number: | 57473/19 |
|-------------------------|----------|

EMERGENCY SERVICES:

| Police - arrival on site | Paramedics - arrival on site | Fire & Rescue - arrival on site |
|--------------------------|------------------------------|---------------------------------|
| | N/A | N/A |

DETAILS OF INCIDENT:

| | |
|-----------------------------|--|
| Site address: | Board Street Mall. Reading. RG 1 – 7 QE. |
| Exact location of incident: | Saint Mary's, Perfect chicken |
| Date of incident: | 04/03/2019 |
| Time of incident: | 03:50am |

WHAT HAPPENED?

Give a detailed, factual description of the incident/near miss, loss illness or damage. Additional information and photos should be attached at the end of the form. I work for Phoenix Group Servicers at Broad Street Mall in Reading as a security guard. I began my shift at 19:00pm and was monitoring the cameras in the control room. At 03:50am I noticed a group outside Saint Mary's Perfect chicken shop looking focused on something. I put the camera onto Sally's and could see the Bar iguana doorman, 2x IC3 males including 2x IC1 males having a dispute. One of the IC3 males had a broom and tries to hit the other IC3 male with it but no contact is made. However the doorman manages to take it off the IC3 male and he is still not happy. One of the IC1 males wearing a pink top, black jeans, steps in to try and separate the pair of IC3 males. The IC3 male that had the broom took off him was not happy with the IC1 male so he hits him with a closed fist, making him fall to the ground. The IC1 male then gets up and speaks to the IC3 male that had assaulted him. Again the IC3 male punches the IC1 male with a closed fist and he falls to the ground getting up a few seconds later. The IC3 male is

| | |
|---------------------------------|------------------------------|
| Incident logged? | Yes |
| Are details recorded correctly? | Yes |
| Accident book completed? | N/a |
| C.C.T.V. Produced? | N/a |
| Patrol Point Data checked? | N/a |
| Client aware? | Yes If No is there a reason? |
| Phoenix Management informed? | Yes If No is there a reason? |

The most senior person on site at the time of the incident must sign that they have checked the above information and they are satisfied that reasonable measures are in place.

Signed: _____ Name: _____
 Job Title: Security Officer Date: 04/03/2019

A copy of all reports should be sent electronically to Phoenix Group Services Operations Manager

If the incident is reportable (R.I.D.D.O.R) inform the Site Operations Manager as soon as possible as well as a member of Phoenix Group Services Management team.

Mr Saleem
Premier/Iguana
11 St Marys Butts
Reading
RG1 2LN

20th July 2019

Fire Test and Inspection

Mr Saleem,

On our latest Fire Alarm inspection the following items were noted in both the above unit Premier Stores

- Door from shop floor to Basement not closing properly and in poor condition.
- Wires hanging down above same door needing attention.
- Basement escape door not immediately available for escape at all times.
- Fire door at bottom of stairs in bad condition and propped open.
- Lighting not turned on in Basement escape area

Given the amount of areas of concern please, could you make available your updated Fire Risk Assessment for the premise for our inspection?

I have been in store to discuss several time but have had no response.

Regards

Laurie Ridgwell
Operations Manager

| Submitting Officer | | | |
|--------------------|---------|-------|-------------|
| Shoulder No: | 1100 | Name: | PC MARCHANT |
| Station: | READING | LPA: | READING |

| Incident References | | | |
|-------------------------|------------|------------------|--------------------|
| Premises Name: | BAR IGUANA | Location: | St Mary's Butts |
| Incident Date: | 17/11/2019 | Incident Time: | Approx 23:00/00:00 |
| Command & Control URN: | N/A | Crime Report(s): | N/A |
| CCTV Seized: | N/A | | |
| Sources of Information: | N/A | | |

Nature of Incident – what happened?

Police have been flagged down by a door staff at PAVLOV DOGS who has said that there is a male in BAR IGUANA that is refusing to leave and the manager has asked him to help because he has no door staff on to eject him.

The door staff has got the manager from BAR IGUANA who has spoken to us and said that there is currently a private party at the premise and a male has entered who was not supposed to be in there. The manager has said that he was trying to eject him but he kept saying no to him and because he is only the manager he does not want to get assaulted.

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

The manager at BAR IGUANA insisted that we needed to do something so that the male would be ejected from the premise. We reiterated to him that we should not be entering his premise and asked him why he has not got door staff. He stated that because it was a private party that meant that by law he did not need to have any security on the door.

The male was extremely unhappy that initially we would not go into the premise and basically said that we were not going to do anything and that we would end up letting him get assaulted.

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

Police ended up entering the premise and spoke with the intoxicated male. He was unhappy that he was getting ejected but we spoke with him and said that he was not allowed in there anymore and to go on his way. He eventually did this.

A couple of hours later the intoxicated male was arrested for being drunk & disorderly in relation to a separate incident.

Submitting Officer

| | | | |
|--------------|---------|-------|---------|
| Shoulder No: | P0553 | Name: | HURST |
| Station: | Reading | LPA: | Reading |

Incident References

| | | | |
|-------------------------|----------------------------|------------------|-------------------|
| Premises Name: | IGUANA | Location: | 11 St Marys Butts |
| Incident Date: | 13/12/19 | Incident Time: | 2319hrs |
| Command & Control URN: | 1521131219 | Crime Report(s): | No Crime |
| CCTV Seized: | No Crime | | |
| Sources of Information: | Police witnessed incident. | | |

Nature of Incident – what happened?

On the above date and time at IGUANA in Reading just next door to St Marys Butts Premier, a Female around the age of 48 has fallen down a flight of stairs after a night out.

The Female has tripped and fallen down around three or four sets of stairs, she has hit her head on the metal rim of the individual stairs and this has caused significant and potentially life changing injuries to the Female. The Female had split her head open to the point where she has lost a significant amount of blood and Officers have been able to see parts of her skull in the hole created.

On scene it is immediately clear how dangerous the venue is, the entrance to the club takes you straight up a long flight of stairs which is very high and steep. There is a single thin hand rail that covers the right hand side only of the stairwell. Further to this the floor all the way up the stairs is loose and worn making it a clear trip hazard.

I wish to make it absolutely clear that the venue is very unsafe, this is a place where people are drinking, combing alcohol with a flight of stairs this unsafe is very dangerous. There is also no CCTV coverage on the stairs and therefore any pushing or assaults on these stairs would be unrecorded. The injuries the Female received are significant and solely due to the nature and design of the stairwell that Officers were faced with.

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

Further to all of this, the staff at the venue were shocking and seemed uninterested in the incident. At one point a Staff member was trying to usher a Member of Public literally over the Female while she was on the floor. The staff stated that this is the first time anyone has fallen and despite myself stating that the venue is unsafe they proceeded to tell that health and safety said it was fine. I do not believe that Health and Safety said this was safe as it is clearly not.

It is only a matter of time before someone else falls and receives similar levels of injury.

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

PC 553 HURST is the main Officer dealing however several Officers were involved. Police were able to CALL Ambulance as the staff hadn't

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

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

To:

Position (where known):

Organisation:

Address:

I am making enquiries which are concerned with:

- The prevention or detection of crime*
 - The prosecution or apprehension of offenders*
 - Protecting the vital interests of a person*
- I confirm that the personal data requested below is needed for the purposes indicated above and a failure to provide that information will be likely to prejudice those matters.
- I confirm that the individual(s) whose personal data is sought should not be informed of this request as to do so would be likely to prejudice the matters described above.

**Check mark as is appropriate*

Information required:

All CCTV footage from within the entire licensable area between the hours of 0300 and 0430 on the 14th December 2019.

All CCTV footage from within the entire licensable area between the hours of 0300 and 0430 on the 8th December 2019.

All CCTV footage from within the entire licensable area between the hours of 0300 and 0430 on the 1st December 2019.

This information is required in relation to several investigations that are ongoing relating to victims & suspects of criminal investigations (namely assaults) that may have attended your premise shortly to being involved in a crime related incident.

Please ensure that you take immediate steps to both secure and then produce copies of this evidence for the police investigation and contact the investigating officer via email to confirm that this has been actioned.

Furthermore Thames Valley Police are requesting any further written documentation that is held by you which proves your due diligence in relation to the four licensing objectives.

Police Reference:

43190374839, URN232 of 14/12/19 and 43190382956

From:

Rank/Number/Name:

PC 6930 Jones

Station:

Reading

Date/Time:

17:30 hours on 19/12/2019

Telephone Number(s):

07800 702586

Email address:

jason.jones@thamesvalley.pnn.police.uk

Signature*:

Counter Signature:*

Rank/Number/Name:

**as required by recipient*

Please see Guidance Notes on following page

X AS OF 12/01/2020 ONLY FOOTAGE FOR THE 14TH DECEMBER 2019 HAS BEEN ABLE TO BE PROVIDED.


5187

Explanatory Note

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

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

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

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

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

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

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

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

Completion Guidance

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



Request to external organisation for the disclosure of personal data to the Police
Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 and GDPR Article 6(1)(d)

To:

Position (where known):

Organisation:

Address:

I am making enquiries which are concerned with:

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

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

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

**Check mark as is appropriate*

Information required:

All CCTV footage from within the entire licensable area between the hours of 2300 and 0030 on the 13th December 2019.

This information is required in relation to an investigation whereby a female has fallen down the main set of stairs resulting in serious injury. We require footage of this female within the bar and the incident where she has fallen down the stairs.

Please ensure that you take immediate steps to both secure and then produce copies of this evidence for the police investigation and contact the investigating officer via email to confirm that this has been actioned.

Furthermore Thames Valley Police are requesting any further written documentation that is held by you which proves your due diligence in relation to the four licensing objectives.

OFFICIAL (WHEN COMPLETE)

Police Reference:

URN: 1521 of 13/12/2019

From:

Rank/Number/Name:

PC 6930 Jones

Station:

Reading

Date/Time:

17:30 hours on 19/12/2019

Telephone Number(s):

07800 702586

Email address:

jason.jones@thamesvalley.pnn.police.uk

Signature*:

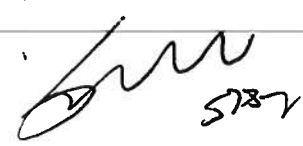
Counter Signature:*

Rank/Number/Name:

**as required by recipient*

Please see Guidance Notes on following page

AS OF 12/01/2020 FOOTAGE HAS BEEN PROVIDED
HOWEVER IT IS OF POOR QUALITY AND HAS BEEN
FILMED ON A MOBILE PHONE BY THE DPA NOT
CORRECTLY PROVIDED WITH TIME + DATE STAMP.


5787

Explanatory Note

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

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

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

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

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

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

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

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

Completion Guidance

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

Legislation covered by Inspection: Food Safety & Hygiene (England) Regulations 2013 Food Safety Act 1990 (as amended) Health & Safety at Work etc. Act 1974 Other legislation.....
Reason for Visit: Proactive Reactive Advisory Sample Taken (detailed below) Revisit

Name of Premises Bar Igwana Business Type.....
Address 2 St Mary's Butte, Reading, RG1 2LN
Registered Office Address.....
Email..... Tel/mobile.....
Person Seen Position
Name of Food Business Operator/Dutyholder.....
Business days & hours..... Areas Checked

List of Documents checked = Yes = Not available \ = not applicable Written FSMS Cleaning Log
FH Training Policy / records Fridge/Freezer Temperature Log Hot Food Temperature Log Pest Control
Health and Safety: Policy Risk Assessments (Details.....)

Comments: Matters Arising (L = Legal Requirement + Timescale and R = Recommendation) (Food Only: S=Structure, FH=Food Hygiene/Practices, CIM=Confidence in Management; FStd: Food Standards; H&S: Health & Safety)

| L/R | S/FH/CIM | FStd/H&S |
|-------------|----------|--|
| | | <u>Accident Investigation - fall down stairs 13/12/19 23.19 hrs</u> |
| <u>1) D</u> | | <u>Reporting of Injuries Diseases & Dangerous Occurrences Regs 2013 Information about RIDDOR reporting has been given - please report this accident. Daily door staff record seen. It is a legal requirement to keep a record of accidents, you are doing this in your door staff book. Stairs - no hazards - lighting good, good sticky treads, hand rails x 2. x2 employees only. - no requirement for a written risk assessment</u> |

Action Proposed: Inspection report form left Letter to follow Formal notices(s) Revisit

| Food Hygiene Rating Criteria Assessed | SCORE | | | | | Your Premises Rating is |
|---|-------|---|----|----|------|-------------------------|
| | Good | 5 | 10 | 15 | Poor | |
| Compliance with food safety procedures | 0 | 5 | 10 | 15 | 20 | 25 |
| Compliance with structural requirements | 0 | 5 | 10 | 15 | 20 | 25 |
| Confidence in management / control procedures | 0 | 5 | 10 | 20 | 30 | |

Business Reply Expected: Yes No with response to the legal requirements identified above.
Officer Name ALISON SHAW Signature [Signature] Designation SEHO
2nd Officer Name..... Signature..... Designation
Date & Time 20/12/19 pm..... am/pm. Telephone No: 0118 937 2921. Date of Next Visit.....

As the person seen at the visit, I have taken note and understand all aspects of work discussed with the Inspecting Officer OR I have received this form and I will ensure this inspection report form is passed to the Manager.

Signed [Signature] Name..... Job Title

Note: This report describes those matters requiring attention. The report only covers the areas inspected at the time of the visit. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Licensing, Food & Safety Manager at: Environmental Health (Food & Safety), Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU or email: consumerprotection@reading.gov.uk

PREMISES – RECORD OF INSPECTION DATED:

| | |
|-------------|---|
| Licence No: | LP2001343 |
| Name: | BAR KUANA / PREMIER. |
| Address: | 11 ST MARYS BUTTS READING, RG1 2LN |
| 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: Mohammed Saleem DPS: Ramzi Saleem

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

If No, Reason: _____ Authorised Person: TERRY HOLDER.

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? 0
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

4, 8, 12, 13, 14 All in breach.

Closure notice to be issued.

Summary of Key Points Discussed

Advice provided: - NO fine with assessment.

- NO RIA SIA numbers of staff.

- NO DWI, SEARCH, DISORDER, CONFLICT RES POLICY, TRAINING

Document Checklist

Age policy operated 28 Section 57 _____ Training Records ? Authorisation List X

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 STAFF WHEELER

Signature of licensee or representative(s): _____

Date of Inspection: 23/12/2019

Time Started: _____ | Time Ended: 0138 pm

in full party

0/4.



CONTINUATION SHEET OF ISSUES DISCUSSED:

Premier - What time do you sell alcohol till from the shop?

- | | | |
|----|--------------------------------|------------|
| | Premier | Iguana |
| 4 | CCTV both premises? | |
| 8 | Smoking area barriers? | |
| 12 | Refusal log? | |
| 15 | Notice alcohol exclusion zone? | No signage |
| 18 | Iguana number monitoring? | |
| 20 | SIA provision: | |
| | - How many? | |
| | - What bands? | |
| | - Door book? | |

31 DAYS
6th Nov

Due Diligence

- TRAINING?
- AUTHORIZATION?
- POLICIES - DISCREET, SEARCHING, DWLS, CONFLICT RES
- DOOR BOOK / SIA CHECKS?
- INCIDENT REPORTING
- DRINK PROHIBITION RAIS
- WRITTEN A&S VERIFICATION POLICY
- FIRE RISK ASSESSMENT (NOT AVAILABLE)
- FIRE FIGHTING EQUIPMENT

No door policy, Shop and Search (no search policy) 1. v/k R/A number of downstairs. Cupboard had 100 but keep to 70.

INSPECTING OFFICER: PC 5787 WHEELER

SIGNATURE OF LICENSEE/REPRESENTATIVE: 

DATE OF INSPECTION: 23/12/2019

| Submitting Officer | | | |
|--------------------|---------|-------|---------|
| Shoulder No: | P5787 | Name: | Wheeler |
| Station: | Reading | LPA: | Reading |

| Incident References | | | |
|-------------------------|--|------------------|----------------------|
| Premises Name: | Premier/ Iguana | Location: | St Marys Butts |
| Incident Date: | 23 & 24 Dec 2019 | Incident Time: | Visits over two days |
| Command & Control URN: | N/A | Crime Report(s): | N/A |
| CCTV Seized: | BWV of inspections available | | |
| Sources of Information: | PC 5787 Wheeler, PC 6930 Jones, Declan Smyth | | |

| Nature of Incident – what happened? |
|---|
| <p>Thames Valley Police licensing inspection with regards to Premier/Iguana (Two businesses share one licence)</p> <p>Initial attempt made to complete one inspection of the licence, however it became very quickly apparent that they were both run very specifically as two separate businesses. The person in charge of the shop (sister of the DPS) was unable to answer any questions in relation to Iguana but was able to provide some information re Premier.</p> <p>It was stated that the person that ran the Iguana element of the business was Terry Holder and that he would be available later.</p> <p>In essence two inspections were carried out and two follow up visits:</p> <p>An initial inspection at Premier on 23/12/2019 with DPS sister. An initial inspection at Iguana on 23/12/2019 with Terry Holder A follow up inspection at visit on 23/12/2019 with Kamal Saleem to discuss Iguana A further follow visit on 24/12/2019 with Kamal Saleem to briefly discuss Iguana and Premier CCTV footage</p> |

| Premises Response – what part did staff play? How did they react/assist? (include good/poor performance) |
|--|
| <p>Premier – Inspection of Premier completed on 23/12/2019 between 1030 and 1115.(BWV times in brackets)</p> <ul style="list-style-type: none"> • Part B of the licence was out of date and not displayed in public view. (10:36) • Current Part A was eventually located in an envelope behind the counter. • An old written authorisation for the sale of alcohol was available with the previous named DPS scribbled out and the current DPS name added in above. (10:39) • It was confirmed that the person who oversees Iguana and its day to day management is Terry Holder and whom is not a personal licence holder. (10:43) • A refusals log was provided that had sporadic details of incidents written within it. The log was presented in a diary dated 2011 and the entries were not in any chronological order and it was impossible to tell whether they were recent relevant entries or whether or not this was an old out dated book that was nearly nine years out of date. (10:44:20) – This potentially is a breach of condition 1 headed, The Gulshan principles and is also a breach of condition 12. • No alcohol exclusion zone posters were displayed (10:48) – This is a breach of condition 15 on the licence. • Condition 13 and 14 of the licence require training to be provided and recorded, it was stated that Kamal provides verbal training but that this training is not signed for by the staff member and no records could be provided. (10:51) – This is potentially a breach of condition 13 & 14 as no records were available to be shown. • No Fire risk assessment was available (10:55) • The member of staff stated she believed there to be a fire exit at the lower level of the premises via a staircase and the stock room. During an inspection of this route it was found to have electrical wires |

hanging from the ceiling in front of the staircase entrance door. Boxes of stock were stacked on the steps of the staircase and on entry to the stock room the route and or exit were not clearly marked. The fire exit door did not have a push bar and was locked shut, and the safety light above the door was not displaying either a green or red light which potentially indicated that it was not working. (11:01) – **Potentially this is a public safety concern and may require input from the fire service.**

Iguana – Inspection of Iguana completed on 23/12/2019 between 1250 and 1340. (BWV times in brackets)

- On entry to the premises it was noted whilst walking up the staircase that numerous "risers" had carpet that was loose, hanging freely and providing a trip hazard. (12:54:50 – 12:55:14) – **This is pertinent in relation to public safety and a recent incident on 13th December when a person fell down the stairs**
- Mr Holder confirmed that he had the day to day running of the premises as his role and that he has been provided verbal authorisation to sell alcohol by Kamal Saleem. Also that the premises only opens on Friday and Saturday evenings.
- Mr Holder was unable to name any of the four licensing objectives (12:58:19)
- Mr Holder could not recall being provided any specific training, but instead stated he used to have an SIA badge. (12:59:35)
- Mr Holder stated that the age verification policy was Challenge 25, but no posters were displayed (it was located behind the counter having been taken down) and no written policy or training was in place. (13:01:18)
- It was asked what the premises drugs policy was and is a written policy available and Mr Holder stated that the policy was simply "We don't tolerate drugs". (13:01:49)
- It was confirmed that no search policy was in place or certainly no written policy in any case and there appeared no clear strategy available. (13:02:50)
- In relation to doorstaff Mr Holder confirmed they employ just one door supervisor and that he had no idea if this number was risk assessed. Mr Holder did however indicate that they rely on their single door supervisor working together with others employed at Perfect Chicken & ribs (13:04:15)
- No incident book was available (13:05:15)
- No fire risk assessment was available, but Mr Holder thought he may have seen it about a year ago but that the DPS Kamal would deal with that. Mr Holder stated the capacity was 100 persons but they would never go over 70 due to the size of the premises. (13:06:00) – **Concerns re public safety and the lack of fire risk assessment again.**
- Mr Holder did not have access to a copy of the premises licence and no part B Summary was displayed. (13:07:40)
- The premises CCTV was viewed, the quality of the visual images that we were shown was poor and grainy and blind spots were noted. The footage does not comply with the condition on the licence, and does not provide a frontal image of persons entering the premises (13:10:30 – 13:13:50) – **Breach of condition 4.**
- Mr Holder confirmed that no designated smoking area or barriers were being or had been used for a long period of time stating "In the old days we had it but it got wrecked). (13:14:00) – **Breach of condition 8.**
- Mr Holder confirmed that no refusals log was in place and that they just used the door book. There were no records of refusals observed within the book when it was viewed at Perfect Chicken & ribs earlier in the day. However it has been discovered that three records of refusals had since been added into the book in a different coloured ink for the following dates 5/7/19, 9/8/19 and 21/12/19. (13:15:50) – **This is both a breach of condition 12 and 1 under The Gulshan principles and raises concerns in relation to suspected fraudulent amendments to the door book in order to make it appear that the correct actions have been taken in order to circumvent licensing enforcement action.**
- Mr Holder confirmed that he had been provided with no recorded training and had received no training in relation to the alcohol exclusion zone. (13:17:00 13:18:00) – **Breach of condition 13 & 14.**
- Mr Holder further confirmed that he did not know whether any risk assessment was available or had been carried out to determine safe numbers of door supervisors and how the decision to employ one security person had been arrived at. Mr Holder was also unable to provide the details of which Security Company provided the staff for Iguana. In terms of other policies such as dispersal, opening and closing and conflict resolution etc Mr Holder stated that no such policies existed to his knowledge and everything was in his head.
- During discussions surrounding the number of external incidents outside of premier/Iguana and the vicinity of both premises and Perfect Chicken & ribs it was asked how the area can be managed as well as what are the causes and improvements he believes can be made? Mr Holder stated people come from other bars and they want chicken. Then they hang around because the chicken shop is the latest one open. They hang out because of the late night shop and chicken. It is a central point because it is open and lots of people come from everywhere. (13:24:40 – 13:27:09) – **It was interpreted that Mr Holder was surmising that the issues of crime and disorder in the area aren't caused by Iguana, but due to the fact that premier and Perfect chicken & Ribs are open so late and attract large numbers of drunk people to the area.**

- Mr Holder stated that toilet checks were conducted by security staff but not recorded.
- Mr Holder stated that there was only one fire exit to the premises and that was the main entrance door and staircase leading out to St Marys Butts.

Premier/Iguana follow up visit on 23/12/2019 between 1540 and 1600 (BWV times in brackets)

- Initial discussion surrounding the CCTV provision at Iguana and Mr K Saleem suggested that he would look at installing an extra camera at Iguana, however he suggested that having spoken to Mr Smyth previously he believed that the camera that had been installed outside of Premier ensured that his licence condition was complied with. (15:40)
- In relation to the outlined condition breaches Mr Saleem stated that Terry had been trained 3 to 4 times per year, which contradicted what we had been told by Mr Holder when we met him earlier.
- In relation to the policies which we would normally expect to be implemented within a late night establishment Mr Saleem asked "what do you mean about policies? (15:44) – **As a footnote in 2015 Mr Saleem wrote to Thames Valley Police stating that a search policy was in place and all licence conditions complied with.**
- As the DPS Mr Saleem was asked again about the fire risk assessments covering Premier and Iguana? Mr Saleem stated that they were all held with the landlords at Broad Street Mall and then confirmed he believed the door to the rear of the Premier shop and staircase did provide a fire escape route, but that he would confirm this with his landlords. (15:46 onwards)
- Having been issued with a Section 19 closure notice for the breaches of conditions Mr Saleem provided his rationale for the crime and disorder which takes place outside of Premier/Iguana as well as Perfect chicken & ribs. Mr Saleem stated that he blamed persons from out of town who come to Reading as well as externally promoted events that are run by premises within the area. (15:55:00)
- Having been asked if a consideration could be to close the premises earlier Mr Saleem stated when they were made to close at 0300 hours he believed that large crowds still gathered in the area and this wouldn't make a difference. (15:58:56) – **we suspect this refers to the period of time that PFC had their hours open to the public reduced by half an hour to 0300 via minor variation after they had been discovered trading outside of their licensable hours till 0500 hours for a number of years and were under threat of review.**

Premier follow up visit on 24/12/2019 between 1220 and 1234 (BWV times in brackets)

- Entered via the staircase to the stock room to discuss CCTV with Mr K Saleem. During the visit BWV captures that there were still boxes obstructing the staircase and electrical wires hanging from the ceiling. (12:23 onwards)
- During the visit it was confirmed by Mr Saleem and his purported IT specialist that the footage requested by Thames Valley Police by PC Jones on the 19th December 2019 may not be able to be fully produced due to technical issues. (12:34:05)

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

The following issues were identified.

- Failures to provide and display correct documentation (Part A and B etc and required posters and policies)
- Concerns surrounding the lack of reasonably expected suitable documentation to show both due diligence and compliance with conditions in relation to the off licence and bar/ night club elements of the business.
- Concerns surrounding both conditioned training requirements and expected training to show due diligence. There were no training packages or training contents that could be seen, and no written training records showing both the content of the training and staff that had undertaken the training.
- Serious concern in relation to the fire risk assessments and or lack of them. Having spoken to Broad Street Mall/ Moorgarth to resolve this issue it transpires that the onus appears to be on the tenant to provide these and concerns remain in relation to possible fire exits.
- Concerns surrounding the safety of the staircase to Iguana, loose carpets and management of the premises including low number of security staff, poor quality of security and lack of risk assessments to determine their number and policies to support their active behaviours; for instance searching process and rationale.
- Serious concerns surrounding the inclusion of potentially fabricated refusals records within the Iguana door book that may have been added to circumvent the licensing process.
- Constant failure to comply with licence conditions and failure to provide CCTV when requested.
- General failure to promote the licensing objectives.
- Action to review premises licence in order to promote the licensing objectives.

LICENCED PREMISES INCIDENT REPORT

| Name | Date of Birth | Role | Action Taken | Ref No (e.g. Custody, PND etc) | Level of Intoxication (specify number 0 to 6) |
|-----------------------------|---------------|--------------------------------|--------------|-----------------------------------|--|
| Sister of (DPS) Mr K Saleem | | Staff member (visit 1) Premier | | | |
| Mr Terry Holder | | Manager of Iguana | | | |
| Kamal Saleem | | DPS | | | |
| | | | | | |

LEVELS OF INTOXICATION

| Level | Description | Observations |
|-------|-------------------|---|
| 0 | SOBRIETY | Has had less than one drink in an hour |
| 1 | EUPHORIA | Difficulty concentrating. Talkative. Lowered inhibitions. |
| 2 | EXCITEMENT | Senses are dulled. Poor coordination. Drowsy |
| 3 | CONFUSION | Exaggerated emotions. Difficulty walking. Blurred vision |
| 4 | STUPOR | Cannot stand or walk. Vomiting |
| 5 | COMA | Unconscious. Low body temperature |
| 6 | DEATH | Death as a result of respiratory arrest |

- ***When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)***
- ***This form is used in licensing meetings/hearings and therefore is a disclosable document.***
- ***Your opinion matters so please write in a professional manner.***



THAMES VALLEY POLICE

CLOSURE NOTICE MADE UNDER SECTION 19 OF THE CRIMINAL JUSTICE AND POLICE ACT 2001

No. 00851

Date and Time of the Closure Notice:

23/12/2019 - 15:39

Person making the Notice:

PC 5787 WHEELER

Signature:

Name (if applicable) and Address of the Affected Premises:

BAR IGUANA / PALMICA
11 ST MARYS BUTTE
READING, BERKSHIRE, RG1 2LN

Alleged unauthorised use of the Premises:

CONDITION 4 (BREACH - CCTV DOES NOT PROVIDE FRONTAL ID OF PERSONS ENTERING PREMISES - CAMERA POSITION / QUALITY INADEQUATE) CONDITIONS 8, 12, 13 & 14 IN BREACH.

Steps which may be taken to end the alleged unauthorised use of the Premises, or to prevent it from re-occurring:

- ① UPGRADE AND REPAIR CCTV IN ORDER TO COMPLY WITH CCTV CONDITIONS.
- ② PROVIDE SMOKING AREA BARRIERS.
- ③ ENSURE ALL DUE DILIGENCE & ADMIN REQUIREMENTS / RECORDS.

The Person (if applicable) on whom the closure notice has been served:

DESIGNATED PREMISES
SUBORDINATE

Name:

KAMAL SALEEM

Signature:

White Copy: Occupier Blue Copy: Licensing Unit Pink Copy: Officers

Repeat Addresses

Select LPA: Exclude TVP addresses

Neighbourhood: Exclude TVP addresses

Partial address search: Exclude records where no more reduction activity is required or work completed

Weekdays: Mon Tue Wed Thu Fri Sat Sun

Chosen Opening sub classification: Address

Incidents & Responses: and Address

Times Between: and Address

Count type: Address

Select multiple addresses

Double-click on a column header to sort

| | December | Oct - Dec | Last 12 Months | Latest Incident | Address |
|---------------------------|----------|-----------|----------------|-----------------|-----------|
| 1) ST MARYS BUTTS READING | 3 | 8 | 17 | 22-Dec-19 | 03-Sep-19 |
| 2) | | 4 | 16 | 24-Nov-19 | |
| 3) | 1 | 3 | 15 | 01-Dec-19 | |
| 4) | | 1 | 12 | 05-Oct-19 | |
| 5) | 1 | 2 | 10 | 28-Dec-19 | |
| 6) | 1 | 3 | 9 | 14-Dec-19 | |
| 7) | | 0 | 8 | 29-Sep-19 | |
| 8) | 1 | 1 | 7 | 01-Dec-19 | |
| 9) | 2 | 4 | 7 | 22-Dec-19 | |
| 10) | 1 | 4 | 7 | 28-Dec-19 | |
| 11) | 1 | 3 | 6 | 15-Dec-19 | |
| 12) | 1 | 1 | 6 | 08-Dec-19 | |
| 13) | 1 | 1 | 6 | 07-Dec-19 | |
| 14) | | 1 | 5 | 24-Nov-19 | |
| 15) | 1 | 2 | 5 | 29-Dec-19 | |
| 16) | | 0 | 5 | 09-Jun-19 | |
| 17) FRIAR STREET READING | | 0 | 4 | 24-Aug-19 | |
| 18) | 1 | 1 | 4 | 13-Dec-19 | |
| 19) | | 0 | 4 | 11-Aug-19 | |
| 20) | | 2 | 4 | 10-Nov-19 | |

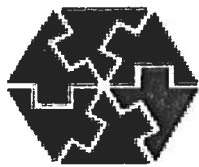
Incidents relating to address OSGR ST MARYS BUTTS READING

Data downloaded from the Demand and Vulnerability module on 11/01/2020 10:31:49 covering 24 Months Dec 17- 18

| URN & Date | Time | Opening Sub Classification | Address | Response Grade |
|-----------------|-------|------------------------------|---------------------------|-------------------------|
| 18 - 01-APR-18 | 00:13 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 69 - 15-JUN-19 | 00:54 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 111 - 15-DEC-19 | 01:20 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 80 - 21-JUN-19 | 01:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 91 - 03-FEB-18 | 01:34 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 127 - 15-JUN-19 | 01:46 | ASSAULT/OTHER | ST MARYS BUTTS READING | By Arrangement |
| 188 - 05-AUG-18 | 02:03 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 107 - 12-JUL-19 | 02:12 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 108 - 30-MAR-18 | 02:23 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Telephone Resolution |
| 187 - 16-DEC-18 | 02:28 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 84 - 11-OCT-19 | 02:32 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 181 - 22-DEC-19 | 02:42 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 175 - 13-JAN-18 | 02:49 | DISORDER/DISTURBANCE/DISPUTE | ST MARYS BUTTS READING | Immediate |

| | | | | |
|-----------------|-------|-------------------------|---------------------------|----------------|
| 207 - 24-NOV-19 | 03:01 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 130 - 13-JUL-18 | 03:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 163 - 13-JAN-19 | 03:28 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 198 - 20-JAN-19 | 03:37 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | By Arrangement |
| 276 - 29-SEP-19 | 03:42 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 254 - 23-JUN-18 | 03:42 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 269 - 14-OCT-18 | 03:49 | ASSAULT/OTHER | ST MARYS BUTTS READING | By Arrangement |
| 149 - 01-NOV-19 | 03:52 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 262 - 19-AUG-18 | 03:58 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 201 - 24-MAR-18 | 03:58 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 229 - 13-MAY-18 | 04:03 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 210 - 10-NOV-19 | 04:08 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 221 - 05-MAY-19 | 04:12 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 172 - 06-JAN-18 | 04:19 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Urgent |
| 264 - 03-NOV-19 | 04:21 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 130 - 22-FEB-19 | 04:21 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 301 - 14-OCT-18 | 04:29 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |

| | | | | |
|------------------|-------|-------------------------|---------------------------|-----------|
| 253 - 14-JAN-18 | 04:32 | ASSAULT/OTHER | ST MARYS BUTTS READING | Urgent |
| 245 - 02-JUN-18 | 04:44 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 267 - 21-DEC-19 | 04:45 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 1624 - 26-MAY-18 | 23:02 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Urgent |
| 1690 - 14-APR-18 | 23:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 1781 - 06-APR-18 | 23:39 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |



Reading

Borough Council

Working better with you

DOORSAFE LOG BOOK

Premise:..... | GOANACLU (BAR)

Address:

.....

.....

7

DAY: FRIDAY DATE: 13/12/2019

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|------------------------|---------|----------|----------|----------|
| J. OYEELAMI | 1015 6309 8811 5561 | 23:00 | JO | 03:00 | JO |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|-----------|--------|--|------|
| TIME | NUMBER | | |
| 23:05 | 5 | Baking for shift. | |
| 23:11 | 4 | One 161 female was at the bar and after having 3-4 drinks said want to use the toilets, it was at this point the manager noticed that it was in the best interest of the lady that she didn't consume any more alcohol. The manager then requested me to help the lady on her way and escort her from the premises. On the way to the stairs the lady was insisting that she did not need my help. She repeatedly said 'I'm okay' 'don't touch me' 'I'm fine' and as we were making our way towards the stairs, at the bottom of the stairs, she stopped and said 'take my bag for me'. At this point I said okay, thinking we have made it this far, so she should be fine. I took her bag for her, placing it on the floor, when turning around I saw the lady lose her balance on the last steps and fall awkwardly. I noticed a cut on her head and called street pastors, paramedics and TYP who took over from here. | |

DUTY MANAGER'S SIGNATURE: _____

Page 418
 Logged.

DAY: SATURDAY DATE: 21/12/2019

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|-------------------------|---------|----------|----------|----------|
| M. ALLEGUW | 1012 32018 7341 2462 | 00.00 | T-F | 03.00 | T-Z |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|-----------|--------|-----------------------|------|
| TIME | NUMBER | | |
| 00.00 | 17 | Booking for shift | |
| 03.00 | — | End of shift & N.T.R. | |
| | 12. | refused 1G Female | |
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DUTY MANAGER'S SIGNATURE:

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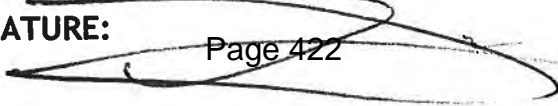
DAY: TUESDAY DATE: 24/12/2019

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|--------------------------------------|--------------|------------|--------------|------------|
| <u>M. ADICUN</u> | <u>1012 3208</u> <u>7344 6462</u> | <u>22:00</u> | <u>T-f</u> | <u>03:00</u> | <u>T-f</u> |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|--------------|----------|--------------------------------|------|
| TIME | NUMBER | | |
| <u>22:00</u> | <u>6</u> | <u>Booking for duty.</u> | |
| <u>03:00</u> | <u>1</u> | <u>End of shift for M.T.R.</u> | |
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DUTY MANAGER'S SIGNATURE: 

DAY: Friday DATE: 27 / 12 / 2019

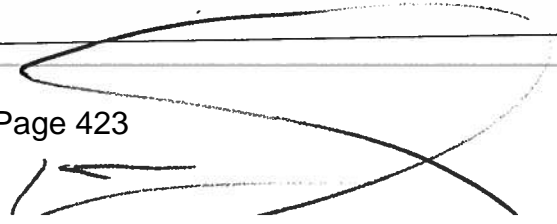
DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|---------------------------|--------------------------------|--------------|------------|--------------|------------|
| <u>Shelby J O'Connell</u> | <u>1015 6309 5811 5861</u> | <u>23:00</u> | <u>J V</u> | <u>03:00</u> | <u>J V</u> |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|--------------|-----------|---|------|
| TIME | NUMBER | | |
| <u>23:00</u> | <u>7</u> | <u>Boo ting for duty.</u> | |
| <u>00:00</u> | <u>12</u> | <u>Head count & all exits cleared</u> | |
| <u>00:30</u> | <u>15</u> | <u>Head count</u> | |
| <u>01:30</u> | <u>17</u> | <u>Head count</u> | |
| <u>02:30</u> | <u>15</u> | <u>Head count & all exits cleared</u> | |
| <u>03:00</u> | <u>/</u> | <u>End of Shift & all exits cleared</u> | |
| | | <u>Nothing to Report.</u> | |
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DUTY MANAGER'S SIGNATURE:



DAY: Saturday DATE: 28/12/2019

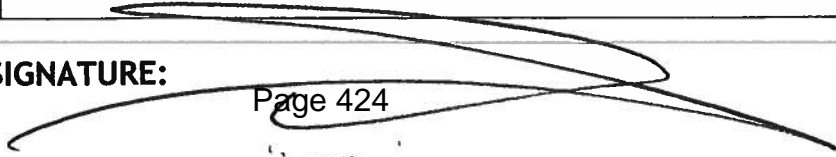
DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|-----------------------------------|--------------|-----------|--------------|-----------|
| <u>Kate Wilson</u> | <u>10147779</u> <u>1344690</u> | <u>12.00</u> | <u>KS</u> | <u>03.00</u> | <u>KS</u> |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|--------------|-----------|---------------------------------------|------|
| TIME | NUMBER | | |
| <u>00.00</u> | <u>6</u> | <u>Booking for shift.</u> | |
| <u>01.00</u> | <u>12</u> | <u>Head Count of all exits closed</u> | |
| <u>02.00</u> | <u>17</u> | <u>Head Count</u> | |
| <u>03.00</u> | <u>/</u> | <u>End of Shift.</u> | |
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DUTY MANAGER'S SIGNATURE:




DAY: Friday DATE: 2 / 1 / 2020

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|------------------------------------|--------------|----------|--------------|----------|
| <u>MOTOLA, A.</u> | <u>101913456193</u> <u>4024</u> | <u>00:00</u> | <u>A</u> | <u>03:00</u> | <u>A</u> |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|--------------|----------|------------------------------|------|
| TIME | NUMBER | | |
| <u>00:00</u> | <u>?</u> | <u>Booking for Shift</u> | |
| <u>03:00</u> | | <u>End of Shift 2 N.I.R.</u> | |
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DUTY MANAGER'S SIGNATURE:  Page 425

DAY: Saturday DATE: 4 / 1 / 2020

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|------------------------------|---------|----------|----------|----------|
| OMOTOLA - A | 1019 6193 1545 4027 | 07:00 | A | 03:00 | A |
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| OCCUPANCY | | INCIDENT DETAIL TIME |
|-----------|--------|----------------------|
| TIME | NUMBER | |
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DUTY MANAGER'S SIGNATURE: _____ Page 426

DAY: Friday

DATE: 10 / 1 / 2020

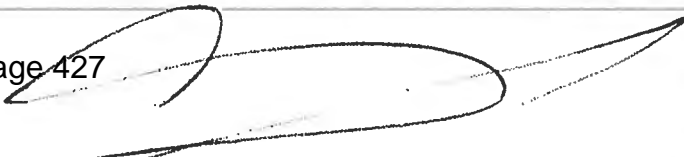
DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|------------------------|---------|----------|----------|----------|
| J OYEELAMI | 1015 6309 8811 5521 | 23:00 | J O | 03:00 | J O |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|-----------|--------|--|------|
| TIME | NUMBER | | |
| 23:00 | 7 | Booking for duty End of shift J.N.T.R | |
| 03:00 | — | | |
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DUTY MANAGER'S SIGNATURE:

Page 427 

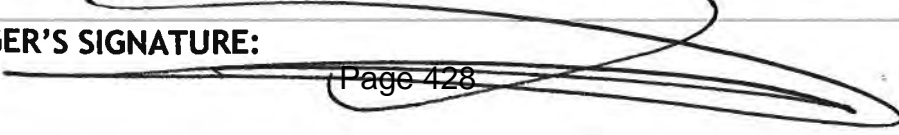
DAY: Saturday DATE: 11 / 1 / 2020

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|--------------------------------|--------------|------------|--------------|------------|
| <u>M. ADIGUN</u> | <u>1012 3298 7344 6462</u> | <u>23:00</u> | <u>T.F</u> | <u>03:00</u> | <u>T.F</u> |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|--------------|-----------|---|------|
| TIME | NUMBER | | |
| <u>23:00</u> | <u>2</u> | <u>Booking on for shift.</u> | |
| <u>01:52</u> | <u>11</u> | <u>1 C/O Male that was banned in the past was refuse entry into the bar. logged</u> | |
| <u>03:00</u> | <u>/</u> | <u>End of shift & N.T.R.</u> | |
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DUTY MANAGER'S SIGNATURE: 



DAY: Friday DATE: 12/23/2019

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: Terry

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|--|--------------|-----------|--------------|-----------|
| <u>M. Aliqun</u> | <u>1015 2019</u> <u>2422 428 77</u> | <u>07:00</u> | <u>MA</u> | <u>17:00</u> | <u>MA</u> |
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| OCCUPANCY | | INCIDENT DETAIL | TIME |
|--------------|-----------|------------------------------------|--------------|
| TIME | NUMBER | | |
| <u>08:00</u> | <u>17</u> | <u>Booking for duty</u> | |
| <u>14:00</u> | <u>29</u> | <u>Telet check done and all OK</u> | |
| <u>07:00</u> | <u>✓</u> | <u>End of shift</u> | |
| | | <u>refused to work</u> | <u>17:30</u> |
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DUTY MANAGER'S SIGNATURE: [Signature]

DAY: STURSDAY DATE: 11/11/2017

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: T. J. ...

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|------------|------------|------------|------------|------------|
| <u>Bl. A-1 ...</u> | <u>...</u> | <u>...</u> | <u>...</u> | <u>...</u> | <u>...</u> |

| OCCUPANCY | | INCIDENT DETAIL | TIME |
|--------------|-----------|--------------------------|------|
| TIME | NUMBER | | |
| <u>02:10</u> | <u>17</u> | <u>Booking for shift</u> | |
| <u>02:00</u> | | <u>End of shift</u> | |
| <u>12</u> | | <u>...</u> | |

DAY: ... DATE: ...

DAILY DOOR STAFF REGISTRATION

DUTY MANAGER: ...

| DOOR SUPERVISOR'S NAME | SIA NUMBER | TIME IN | INITIALS | TIME OUT | INITIALS |
|------------------------|------------|------------|------------|------------|------------|
| <u>Bl. A-1 ...</u> | <u>...</u> | <u>...</u> | <u>...</u> | <u>...</u> | <u>...</u> |

| OCCUPANCY | | INCIDENT DETAIL | TIME |
|------------|------------|--------------------------|------|
| TIME | NUMBER | | |
| <u>...</u> | <u>...</u> | <u>Booking for shift</u> | |
| <u>...</u> | | <u>End of shift</u> | |

2019/12/23 10:10:20

DUTY MANAGER'S SIGNATURE: _____

INCIDENTS REPORT,

STAFF
TRAINING AND

Refusals Log

BAR IGUANA

2020.

- FRIDAY, 27/12/2019 ⇒ 17 people Sounded
2 people Refuse entry.

- FRIDAY - 03/01/2020
01:27 - 1 C1 Male was refuse entry
because he is very drunk.

- SATURDAY - 04/01/2020.
2.27 - 2 C1 Male and 1 C1
Female was refused entry because
one of them was previously banned
and the others were so drunk.

- SATURDAY - 11/01/2020
01:52 - 1 C1 Male that was
banned in the past was refuse entry
into the bar.

3.12.19

Security advised NOT to double sign log book
for Jan Lichen + Igwanai.

ENTER door SUPERVISOR MUST sign in.

pc Simon Wheeler object and bought this
to my attention.

i assured Simon that the correct number
of door supervisors was always being used,
But Security had become complacent with
regards to entries.

This issue has now been addressed
and problem rectified.

Kenneth



Licensed Premises Summary Report

BAR IGUANA

11 St Mary's Butts, Reading, RG1 2NL

Events dated between 01 January 2013 and 16 January 2020

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

Engagement: Other sent by Police

Date/Time: Saturday 28 June 2014

SIA Badge checks.

All badges in order. Checked by SIA Register.

Incident: Underage Sales/Drinking

Date/Time: Wednesday 06 August 2014 - 23:25

Inc Ref(s): URN 1717 6 August 2014

Other Ref(s): Niche Reference 431410148124

Suspected seventeen year old male sold alcohol in the venue. No id checks. Male had no ID. Lack of door supervisors. Male arrested & in custody searched & arrested for possessing two bags of cannabis.

Premises Response: Negative

Incident: Disorder

Date/Time: Saturday 21 February 2015 - 01:30

Several people involved in a scuffle outside the sig. Had spread from inside sig whilst DS were ejecting people for causing trouble. DS attempted to break it up. People were given Section 35 Notices to leave.

Premises Response: Mixed

Engagement: Visit by Police

Date/Time: Thursday 09 April 2015

Report of a Section 137 Offence at the premises by a uniformed officer.

Attended te premises to find an unauthorised person in charge of the shop with alcohol on show ready for sale. Spoke to the DPS sister and advised her the stop the sale of alcohol and not to have an unauthorised person in charge and letter to follow.

Engagement: Telephone call from Other (specify)

Date/Time: Monday 20 April 2015

Unauthorised individual, unsupervised bt a personal licence holder looking after alcohol in the shop. The solicitor advised that he could not make tha arranged meeting on 21 April 2015. Re-arranged for 11.00 a.m. on 24 April 2015.

Engagement: Meeting requested by Police (Tier 1)

Date/Time: Friday 24 April 2015

Following an incident where an unauthorised person with no training or personal licence was left in charge of the premises.

TVP identified that the licence had to be split. PLH and solicitor were going have talks concerning the Bar and the store covered by one licence.

Engagement: Meeting requested by Police

Date/Time: Friday 24 April 2015

None authorised female left alone in the store with alcohol on display. No training in alcohol sales. Because of the licence she was also in charge of the bar.

The licence covers both the bar and the off licence downstairs. TVP requested that the licence be split. See meting notes in Tier 1 folder.



Licensed Premises Summary Report

BAR IGUANA

11 St Mary's Butts, Reading, RG1 2NL

Events dated between 01 January 2013 and 16 January 2020

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Engagement: Meeting requested by Police (Tier 3)

Date/Time: Wednesday 29 April 2015

Meeting to discuss the finding of an unauthorised person in charge of the premises who had no training in alcohol related sales.

Alcohol sales ceased, alcohol to be covered up, advised of performance meeting requirement. Recommendations made, new conditions to be supplied. Training documentation to be supplied within one week.

Engagement: Letter sent by Licensee

Date/Time: Wednesday 24 June 2015

Letter arrived advising that Miis Saleem was to undertake her Personal Licence examination.

Notes taken in a meeting on 24 Apr 15 advise she had already been trained.

Incident: Assault - Less Serious

Date/Time: Wednesday 22 July 2015 - 04:01

Inc Ref(s): URN 138 22 July 2015

Aggrd was just pushed out of the shop by an Asian male who was verbally aggressive and threatened to "lick" the aggrd with his belt.

Premises Response: Negative

Incident: Drugs

Date/Time: Friday 30 December 2016 - 11:43

Other Ref(s): ISR 43160364835

Intel Grading: E41

Drug Dealers Reading: [REDACTED]

[REDACTED] Bar Iguana.

Premises Response: Unknown

Incident: Disorder

Date/Time: Saturday 21 October 2017 - 02:38

Niche Ref(s): 43170312819

Inc Ref(s): URN 176

Caller states his female partner was "drugged up" and had attacked him and that she was inside the premises. The initial report indicates a domestic incident and caller was refused entry to the premises after pushing and shoving between them.

Premises Response: Mixed

Incident: Drugs

Date/Time: Friday 27 October 2017 - 23:58

Inc Ref(s): URN 1856

Intel Grading: E41

URN Intell - Caller stating that he has seen staff in the shop exchanging money for small packages that may be drugs.

Premises Response: Unknown

Incident: Disorder

Date/Time: Tuesday 02 January 2018 - 01:00

Niche Ref(s): 43180000723

Inc Ref(s): URN 30

Drunk male refused to pay for food, was asked to leave. He then smashed the window. 09x1

Premises Response: Unknown



Licensed Premises Summary Report

BAR IGUANA

11 St Mary's Butts, Reading, RG1 2NL

Events dated between 01 January 2013 and 16 January 2020

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

Incident: Other (specify in notes)

Date/Time: Saturday 28 April 2018 - 03:41

Niche Ref(s): N/A

Inc Ref(s): N/A

Area to the front of the premises was unmanaged and bottles of alcohol were being consumed out front on the street on at least two occasions. Concerns over poor management and disorder in the street.

Premises Response: Negative

Incident: Other (specify in notes)

Date/Time: Sunday 29 April 2018 - 01:45

Niche Ref(s): N/A

Inc Ref(s): N/A

poor usage of town radio by doortsfaff who appear unable to manage the vicinity surrounding the premises. Persons drinking in the designated area outside of iguana/premier and children running into the premises.

Premises Response: Negative

Incident: Theft

Date/Time: Sunday 27 May 2018 - 00:32

Niche Ref(s): 43180159696

Inc Ref(s): URN 55

Female has left her card in the premier shop- Returned within minutes, as soon as she realises she had left it- Sfatt don't have the card- Female is claiming that the staff have the card

Premises Response: Unknown

Incident: Assault - Less Serious

Date/Time: Saturday 09 June 2018 - 03:15

Inc Ref(s): URN 201

Male assaulted- knocked out at sig- OFFD walked of with female- called up by bar staff to ET-

Premises Response: Unknown

Incident: Disorder

Date/Time: Thursday 14 February 2019 - 03:42

Inc Ref(s): None

Security officer -Whilst on duty in the control room at approximately 03:42am I hear over E/Tango of a incident outside of premises,(it was reported by the doormen) while I was looking at it the police arrived and made an arrest,

Incident: Disorder

Date/Time: Monday 04 March 2019 - 03:50

Inc Ref(s): None

Door staff involved in a argument with a group of males - On camera it shows the incident occurred outside Perfect chicken next to the lamp post. When the incident occurred at no time did Bar Iguana contact Echo Tango or the Police.

Premises Response: Negative

Incident: Disorder

Date/Time: Saturday 28 September 2019 - 04:25

Inc Ref(s): URN 198

09X1 Female D&D - Large group gathering, 2/3 agitated - AIO

Premises Response: Unknown



Licensed Premises Summary Report

BAR IGUANA

11 St Mary's Butts, Reading, RG1 2NL

Events dated between 01 January 2013 and 16 January 2020

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

Incident: Theft

Date/Time: Sunday 29 September 2019 - 01:44

Niche Ref(s): 43190300965

Inc Ref(s): URN 150

COAT HAS BEEN STOLEN WITH IPHONE S, CASH CARD AND COLLEGE ID.

Premises Response: Unknown

Incident: Disorder

Date/Time: Sunday 17 November 2019 - 23:30

Inc Ref(s): None

Police have been flagged down by a door staff at [REDACTED] who has said that there is a male in BAR IGUANA that is refusing to leave and the manager has asked him to help because he has no door staff on to eject him.

Premises Response: Unknown

Incident: Other (specify in notes)

Date/Time: Friday 13 December 2019 - 23:19

Inc Ref(s): URN 1521

Female has tripped and fallen down stairs. The Female had split her head open to the point where she has lost a significant amount of blood and Officers have been able to see parts of her skull in the hole created. Potentially life changing injuries

Premises Response: Unknown

Engagement: Visit by Police

Date/Time: Monday 23 December 2019

Initial attempt made to complete one inspection of the licence, however it became very quickly apparent that they were both run very specifically as two separate businesses. The person in charge of the shop was unable to answer any questions.

See GEN40 19-12-23 Inspection.docx

| | | | | | | | |
|--|---|------------|------------|------------|------------|------------|------------|
| Name of Officer | Robert Smalley | | | | | | |
| Type of Application | Review of a Premises Licence - Licensing Act 2003 | | | | | | |
| Name of Premises | Premier/ Bar Iguana | | | | | | |
| Address | 11 St Marys Butts | | | | | | |
| | Reading | | | | | | |
| | RG1 2LN | | | | | | |
| Licensable Activities | Exhibition of Films | | | | | | |
| | Performance of Live Music | | | | | | |
| | Playing of Recorded Music | | | | | | |
| | Performance of Dance | | | | | | |
| | Anything similar to Live Music, Recorded Music & Performance of Dance | | | | | | |
| | Late Night Refreshment | | | | | | |
| | Sale of Alcohol by Retail | | | | | | |
| Finish Times | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| | 0300 | 0300 | 0300 | 0300 | 0400 | 0400 | 0300 |
| Content of Application: | | | | | | | |
| <p>The application was submitted on 20/01/2020 by PC Simon Wheeler on behalf of the Chief Constable of Thames Valley Police for the review of the premises licence at the above address. The review has been submitted in relation to sustained high levels of crime and disorder occurring inside and outside the premises that undermines the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.</p> <p>The police are a named responsible authority under the Licensing Act 2003.</p> <p>The Premises is located within the Council's Cumulative Impact Area.</p> | | | | | | | |
| Licensing Officer's Comments: | | | | | | | |
| <p>Reading Borough Council, acting as a responsible authority, fully support the application to review the premises licence for Premier/ Bar Iguana. We also support the recommendation that the premises licence either be revoked or modified so that one business is removed from the licence and the hours for licensable activities and operation are reduced.</p> <p>The premises currently has the benefit of a premises licence (LP2001343 attached as Appendix RS-1) held by Mr Mohammed Saleem that authorises Exhibition of Films, Performance of Live Music, Playing of Recorded Music, Performance of Dance, Anything similar to Live Music, Recorded Music & Performance of Dance, Late Night Refreshment and Sale of Alcohol by Retail.</p> | | | | | | | |

The licence is used by 2 distinctly different businesses; a convenience store on the ground floor and a nightclub/bar on the first floor. The key points to note on this licence are as follows:

Convenience store (Premier):

Sale by retail of alcohol:

Monday to Sunday from 0700hrs until 0200hrs

Hours premises open to the public:

Monday to Sunday from 0700hrs until 0700hrs

Nightclub/ Bar (Bar Iguana)

Sale by retail of alcohol:

Sunday to Thursday from 1000hrs until 0200hrs
Friday and Saturday from 1000hrs until 0300hrs

Hours premises open to the public:

Sunday to Thursday from 1000hrs until 0300hrs
Friday and Saturday from 1000hrs until 0400hrs

There have been several incidents of crime and disorder occurring both inside and outside the premises over a number of years. These amount to a serious undermining of the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety.

CCTV footage submitted by the police as part of the review application demonstrates the types of crime and disorder that are occurring in relation to this premises/ the St Mary's Butts area. Some examples from these are assaults, large scale disorder, the required use of a taser by an officer of Thames Valley Police to detain an individual and the convenience store selling alcohol about 0300hrs which is 1 hour later than authorised by the premises licence. The timecodes of this footage range from midnight to past 0500hrs.

It is important to note that St Mary's Butts requires more police attention than any other area of the town centre, despite the disparity in the concentration of licensed premises with other areas, such as Friar Street that has many more licenced premises. Evidence of this is attached as Appendix - RS-2

Licensing team interactions with the premises:

The premises has been inspected by officers from Reading Borough Council and each time has been found to be in breach of the conditions of their premises licence.

Appendix RS-3 contains a letter sent by licensing enforcement officer Jean Champeau to the licence holder following an inspection in July 2010. During

this visit the premises was unable to produce part A of premises licence LP2000609 and was displaying an outdated part B, contrary to section 57 of the Licensing Act 2003. Furthermore, the CCTV was not operational which is a serious breach of condition 4 on the licence and an offence under section 136 of the Licensing Act 2003.

Appendix RS-4 contains a letter sent by licensing enforcement officer Peter Narancic to the licence holder following an inspection in December 2012. This inspection found that the premises licence LP2001175 was displaying the incorrect address of the DPS and required updating. Recommendations were also made in relation to updating the health and safety and fire risk assessments for the premises. Mr Narancic advised that each premises should have its own premises licence to aid in the operation of the both businesses.

Appendix RS-5 contains a letter sent by licensing enforcement officer Robert Smalley to the licence holder following an inspection in January 2020. This inspection found no serious breaches of licence conditions, however does provide an account that the premises licence holder was doing the bare minimum to comply with the conditions of the licence and in some instances, like recording refusals of sales, inadequate information was being recorded.

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)

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by

the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

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

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.

11.23 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:

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti-social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.14 The authority, whilst taking all applications on their own merits, will not generally grant applications for the 24 hour sale of alcohol for consumption off the premises. The authority will expect proactive measures to be included within the operating schedule that prohibits or restricts the sale of high strength beers, lagers and ciders above 6.5% in order to assist with preventing street drinking, preventing anti social behaviour and to actively promote the licensing objectives.

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol related anti social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as 'Reducing the Strength' are proven to reduce alcohol related anti social behaviour in the Borough.

6.17 The Council has introduced a controlled drinking zone across Reading which allows the police to seize alcohol and receptacles. Applicants and current licence holders will be expected to take cognisance of this and put

measures in place that avoid alcohol being purchased and then consumed on the street.

6.18 The sale of alcohol to underage young people is an offence under the Licensing Act and can severely undermine the prevention of crime and disorder and the protection of children from harm licensing objectives. The excessive consumption of alcohol by young people is also likely to impact negatively on health outcomes. Applicants for off licences will be expected to include robust measures to ensure that alcohol is sold responsibly and that any staff are trained to a high level to achieve this. Evidence of best practice in terms of recording refusals of age restricted products will be expected within all applications

6.27 The licensing authority is of the opinion that premises that are alcohol led; provide limited seating for customers; provide little food and provide entertainment facilities have the strongest potential to undermine the promotion of the licensing objectives. The licensing authority believes that venues that encourage up right vertical drinking and the sale of alcohol - often at cheap prices - leads to a negative impact on the town and only serves to promote drunkenness and crime and disorder. Any applicant who wishes to operate such a venue will have to demonstrate that it's proposed use does not undermine the promotion of the licensing objectives and the authority would expect any operating schedule to contain stringent policies and procedures to achieve this. Measures such as CCTV, employment of door supervisors and the use of a club scan device will be expected as a minimum requirement. Door staff will also be expected to wear high visibility jackets and armbands so that they can be easily identified as well utilising - where appropriate - body worn video to help promote the prevention of crime and disorder licensing objective. The use of breathalysers is also to be encouraged in venues that are alcohol led and should - where appropriate - be advertised as a condition of entry to a licensed premises - particularly given the current prevalence for pre-loading.

6.33 The authority is committed to ensuring public safety in licensed premises by working in close partnership with Royal Berkshire Fire and Rescue Service subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005.

6.34 Applicants and licence holders are expected to produce a comprehensive fire risk assessment before their premises is used for licensable activities. This document should be revised and maintained in accordance with the provisions of the Regulatory Reform Order 2005.

7.13 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during their normal trading hours. However, in the case of individual shops that are suspected or known to be a focus of crime and disorder, anti social behaviour or public nuisance, then subject to relevant representations being received, a limit on licensing hours and opening hours may be appropriate.

7.14 Premises that provide licensable activity that may undermine the promotion of the four licensing objectives; cause disturbance to residents or in any way exacerbate issues of anti-social behaviour and crime and disorder, are expected to adopt, implement and maintain a robust dispersal policy. Licensed premises in residential areas or within the Council's Cumulative Impact Area are also expected to outline measures such as a suitable wind down time where licensable activities will come to a gradual conclusion before closing time to allow for a gradual and orderly dispersal from the premises and area. It is expected that all staff will be aware of any dispersal policy and wind down times so as to ensure that customers actively leave the premises and area within permitted hours and with the minimum of disturbance to local residents.

7.15 In the case of nightclubs, dance venues and similar premises, it is expected that licence holders and designated premises supervisors instigate and operate a wind down time starting at least thirty minutes before closing time. During this time, the pace, volume and type of music played should be slowed down and reduced to background levels. The sale of alcohol should also cease and staff should be available to assist in the gradual dispersal of patrons from the premises and the immediate area. It is expected that door supervisors should also assist with the gradual dispersal of patrons from the premises and the area and direct people to public transport if appropriate.

7.16 There are concerns about noise, nuisance, crime and disorder and anti-social behaviour in respect of premises open late and providing hot food and drink. Operators and potential applicants of late night refreshment venues wishing to open past 11pm will need to demonstrate that there are suitable policies and procedures in place to mitigate any undermining of the licensing objectives from their operation. If suitable practices and policies are not put in place and it is the belief of the Authority that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late night refreshment premises, then the Authority will look at reducing the hours and or (subject to relevant representations being received) removing late night refreshment from an application in its entirety.

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:

In summary, this premises, in combination with the 1 other business under Mr Saleem's ownership adjacent to these premises, have been a major source of crime and disorder, both in the premises and outside on St Mary's Butts. It must be noted that the crime and disorder occurring outside either premises may not always be directly attributable to the premises in that it may not always start inside either premises specifically, however, the fact that the premises are open so late is what draws so many people to the area and the licence holder has not been able to manage the disorder these people generate. This statement can be extrapolated to infer that if the premises were not trading to the late hours that they currently do, the issues with crime and disorder would be greatly reduced because there would be nothing attracting the crowds to the area.

However, the late hours on the licence are not the only factor to be considered when deciding the outcome of this review. The inability of the licence holder to effectively promote the licensing objectives as evidenced by multiple inspections conducted by Reading Borough Council's licensing enforcement officers and officers from Thames Valley Police must be given serious consideration. These inspections found a lack of compliance with the conditions of the premises licence and inadequate security provisions. These issues are compounded by external factors such as levels of intoxication and cars regularly parking outside the premises.

Scrutiny must be applied to the fact that two distinctly different businesses, one a convenience store, the other a nightclub/bar, operate under one premises licence. This is unlike anything else we currently have in Reading and in its present form, the licence presents complications that would otherwise be addressed either by each business having its own licence, or amending the hours and conditions attached to the licence so that it clearly delineates between the two businesses. Examples of these complications include:

- Part B of a premises licence is required to be on display where it can be clearly seen by members of the public. The convenience store did have a copy of Part B, albeit an outdated copy and not on public display, which in themselves are a breach of section 57 of the Licensing Act 2003. However, had this requirement been fully complied with, it is reasonable to assume that a customer of the bar may not necessarily have seen this and therefore it results in a limbo between technical compliance and the intention of the Licensing Act

2003 not being realised.

- Upon the inspection carried out on 16/01/2020, the results letter of which is attached at Appendix RS-5, training records were produced. These records were being held at the convenience store and there was not a copy available in the bar. Each business has its own staff that only work at their respective businesses. Therefore, it would be reasonable to assume that training records for bar staff would be available for inspection, in the bar. Furthermore, the type of training being provided by the DPS was for staff of both businesses, with no consideration for the dynamic requirements of each business. For example, training staff to refuse alcohol sales at a convenience store differs from that at a bar.
- Condition 20 on the licence attached at Appendix RS-1 is in relation to the requirement for SIA door staff at the premises. It is not stated whether the door staff are required for the shop, the bar or both. There has already been issues with door staff signing door books for multiple premises (Premier/ Bar Iguana & Favourite Chicken & Pizza) at the same time, however, it is pertinent to mention that having door staff monitor 2 different types of business at the same time has the potential to decrease the effectiveness of the security provision over all.

The body worn video evidence provided by Thames Valley Police coupled with the inspections conducted by Reading Borough Council show that the management and staff employed at the premises are not aware of their responsibilities in terms of operating licensed businesses. This is a culmination of a lack of training, poor record keeping, lack of any clear policies (drugs, dispersal, searching etc) and inadequate security. The premises has also had incidents of selling alcohol to persons under 18.

For the previously mentioned reasons it is the recommendation of the Licensing team that the premises licence either be revoked in its entirety or modified so that one business is removed from the licence and the hours for licensable activities and operation are reduced. If the committee is of the opinion that revocation of the licence is not appropriate and proportionate and that the licence holder is able to operate these businesses in Reading Town Centre's Cumulative Impact Area without undermining the licensing objectives, then we would respectfully ask for:

1. The convenience store on the ground floor and all conditions/ timings relating to this be removed from the licence.
2. The terminal hour for the sale by retail of alcohol be reduced to 0030hrs every day. All other licensable activities and hours open to the public be reduced to 0100hrs every day. All seasonal variations, non-standard timings and delivery timings be removed. These reductions are supported by the times of the incidents recorded at/near the premises as well as the issues

highlighted, and statistics contained, within Reading Borough Council's cumulative impact assessment. We are of the belief that if the premises ceased trading at 0100hrs, the licence holder would be better able to promote the licensing objectives.

3. The replacement of all the current conditions on the licence (including the 1964 act conditions) with:

1. 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. Recorded images shall be of such quality as to be able to identify the recorded person in any light. 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. 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.

2. A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.

3. An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

4. The external area designated as a smoking area for customers of the upstairs bar area shall be clearly marked by barriers. Alcohol will not be consumed in this area. When the premises reaches a 35% capacity, a dedicated Door Supervisor shall have the responsibility of controlling this area in terms of nuisance and disorder. This duty shall be conducted from outside of the area and in its entirety. This Door Supervisor shall have no other responsibilities save where there is an emergency and the entire premises requires to be evacuated.

5. The premises licence holder or duly nominated representative shall be an active member of the local pub watch scheme if such as scheme is operative.

6. The Premises Licence Holder shall participate in the "Townsafe" Radio Scheme". This condition shall not apply whenever the device is not working through no fault of the Premise Licence Holder provided that arrangements are made for the device to resume working at the earliest opportunity. When the device is found not to be working then the Thames Valley Police Licensing Officer and the Licensing Department of Reading Borough Council shall be notified. Similarly, when the device is back up working notification to both organisations shall be done.

7. The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.

8. During operating hours the licensee or nominated representative shall be available to receive and respond to nuisance related complaints a contact number shall be readily available to residents upon request.

9. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

10. The Premises Licence Holder shall ensure that notices are predominantly displayed at all exits advising customers that the surrounding area is an Alcohol Restriction Zone.

11. (a) The premises shall have **TWO** SIA approved door supervisors from 2100 hours until the last customer has left the premises at closing time whenever licensable activities are being conducted.

11. (b) The premises licence holder shall risk assess the requirement to increase the number of SIA approved door supervisors Monday to Sunday from 2100 hours whenever the premises is open to the public. The risk assessment must take cognisance of local events such as Fresher's Week, Bank Holiday weekends, Christmas and New Years Eve as non exhaustive examples. The risk assessment must be in writing and available immediately upon request to authorised officers of Reading Borough Council and Thames Valley Police.

12. When employed, a register of Door Supervisors shall be kept. The register must show the following details:

(i) Full SIA registration number and name.

(ii) Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.

(iii) Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.

(iv) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

(v) A record will be kept on site of all monthly SIA checks that are made via the register of licence holders via the www.sia.homeoffice.gov.uk website to check the validity of all door staff licences. A scan, photocopy or photographic image of the SIA badge held by each door supervisor shall be recorded and retained in a register along with an ID photo of the individual to ensure that the badge is held by the "correct" person. All records to be retained for twelve months in line with (vi) below.

(vi) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.

13. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green, yellow or orange in order that they are clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

14. Whilst Door Supervisors are employed at the premises ALL Door Supervisors working at the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur both inside and outside of the premises involving customers either entering, exiting or gathering in the vicinity of the premises or in any queue that impact any of the four licensing objectives. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

15. All SIA door supervisors employed at the premises will be trained in respect of a Door Supervisors Operational Policy which must be written and provided by the premises licence holder (PLH) and a signed training record to confirm the same will be maintained for production to authorised officers of Reading Borough Council and Thames Valley Police upon request.

16. The Premises Licence Holder (PLH) shall ensure that a written operational policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place, actively operated and included within the Door Supervisors Operational policy. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police. This shall include but not be limited to:

(a) Persons who have been identified by staff as being vulnerable or at risk.

(b) Persons who are refused entry to the premises or refused service within the premises.

(c) Persons who are ejected from the premises

17. The Premises Licence Holder (PLH) shall ensure that upon induction all door supervisors employed at the premises receive as a minimum standard written training in a) control and restraint techniques and b) legal training covering the powers and policies relevant to their role. Refresher training shall be provided every 6 (six) months and signed records shall be produced upon request to authorised officers of Thames Valley Police and Reading Borough Council. Written records for both induction and refresher training are to be kept for a minimum of 2 (two) years of the date of training.

18. The Premises Licence Holder shall ensure that no special effects shall be used on the premises without a written Risk Assessment provided to RBC at least ten (10) working days prior to a proposed event.

19. No externally promoted events or bookings shall be undertaken and no external promoters utilised at the premises.

20. Re-admittance for existing customers leaving the premises to smoke is permitted and, where appropriate, shall be subject to a search by the door supervisors when re-entering the premises.

21. The Premises Licence Holder shall implement a written search policy (following discussion with Thames Valley Police), to minimise the risk of illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures. The search policy shall provide, as a minimum:

(a) For 100% bag search of all customers attempting to enter the premises, from 21:00.

(b) For random searches of any customer when considered appropriate by PLH's Security personnel or PLH Management based on risk assessment of the night in question;

(c) For the operation of intelligence led searches of any customer as required.

22. Notices shall be displayed advising the public that the right to conduct an outer body search is reserved as a condition of entry, and that Thames Valley Police shall be informed if anyone is found in possession of illegal drugs or offensive weapons.

23. At all times that the premises is operating under this licence, the Premises Licence Holder shall ensure that its staff operate a Challenge 25 Policy (to minimise the risk of alcohol being sold to underage customers). This Policy shall (as a minimum provide) that before entry (or alternatively before any sale of alcohol), any person who appears to be under the age of 25 will be required to produce photo ID in the form of a passport; driving licence, UK Military ID card; PASS (or similar) card to prove that he/she is over the age of 18, before being permitted;

24. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent places in the premises so that they can be seen internally and externally;

25. An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation 7 days per week when door staff are on duty.

26. The ID Scan Device shall record the names and dates of birth of all persons entering the premises and retain the image and details of the ID. These records shall be kept for a minimum of thirty one days and shall be made available to any authorised Officer of Thames Valley Police or an authorised Officer of Reading Borough Council together with facilities for viewing

with immediate access by a person qualified to operate the system;

Any breakdown or system failure will be notified to TVP immediately and remedied as soon as practicable;

27. The Premises Licence Holder shall implement an active policy, agreed with Thames Valley Police, (TVP) to prevent illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures;

28. The venue shall also actively partake in drugs initiatives run by TVP (including, but not exclusively, drug itemiser, passive drug dogs and spiked drinks campaigns);

29. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

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

30. An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail. If incidents involve members of staff, including Door Staff their names shall be entered onto the log book. All incidents shall be signed off either by the Designated Premises Supervisor (DPS) or the nominated individual when the DPS is not on site;

31. All refusals of service, shall be recorded. The refusals log shall be retained for a period of six months and shall be made available on request to any authorised Officers of Thames Valley Police or authorised Officers of Reading Borough Council;

31(a). All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log 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.

32. The Premises Licence Holder shall ensure that a system of preventing drinks being taken from the building by customers is adopted and maintained. The Premises Licence holder shall prevent customers from leaving the premises with any alcoholic or non-alcoholic drinks from the premises in open containers (e.g. glasses, opened bottles, & cans);

33. The Premise Licence Holder shall ensure that no drinking glasses, other than toughened glasses, not capable of forming shards when broken, may be used for the serving of drinks.

34. Children under the age of 18 years shall not be permitted on the premises at any time.

If the committee are not minded to remove the convenience store on the ground floor from the licence then we would respectfully ask for the following in relation to the convenience store specifically:

4. The hours for the sale by retail of alcohol and hours open to the public be reduced to 0000hrs every day. All other licensable activities/ timings be disappplied to the convenience store. All seasonal variations, non-standard timings and delivery timings be removed. These reductions are supported by the times of the incidents recorded at/near the premises as well as the issues highlighted, and statistics contained, within Reading Borough Council's cumulative impact assessment. We are of the belief that if the premises ceased trading at 0000hrs, the licence holder would be better able to promote the licensing objectives. This reduction would make the timings consistent with other convenience stores in the town centre that trade to 2300hrs and 0000hrs largely without incident.
5. The replacement of all the current conditions on the licence (including the 1964 act conditions) with:

1. 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. 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. Recorded images shall be of such quality as to be able to identify the recorded person in any light, subject to the provisions of the Data Protection Act. 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. CCTV signs shall be displayed in public areas.

2. The premises shall at all times operate a Challenge 25 policy to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

3. All cashiers involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain:

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

This book /register will be available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.

4. Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing, recognising valid identity documents not in the English language and identifying attempts by intoxicated persons who attempt to purchase alcohol. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

5. Signs shall be placed at all exits informing customers that the area outside the premises is an Alcohol Exclusion Zone.

6. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

7. No cans of super strength beer and cider above 6.5% ABV shall be sold on the premises at any time except for products identified as premium craft beers.

8. The licence holder shall actively participate in initiatives set up by Thames Valley Police; Reading Borough Council or Reading Pubwatch including initiatives to tackle drunken behaviour and street drinking.

9. Invoices for all purchases of alcohol shall be kept on the premises for inspection for a period of six months after the purchase.

10. The Premises Licence Holder shall implement a policy to actively disperse customers from the premises and the immediate vicinity. The policy must be in written format and made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police. All members of staff shall be trained in this policy.

11. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents;

12. Unaccompanied children under the age of 18 years shall not be permitted on the premises after 20:00 hours. The premises licence holder or duly nominated representative shall put in place processes for identifying customers under 18 and written signed training provided to all staff and door supervisors detailing how to deal with any potential conflict arising from the refusal of service.

13. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

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

14. A litter bin shall be provided at the premises and the immediate area outside the premises shall be kept clear of litter at all times when it is open for licensable activity.

15. All incidents which impact on any of the licensing objectives shall be recorded in a register kept at the premises

for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded. Such records shall be retained for a period of one year and shall be made available for inspection by an authorised officer of Reading Borough Council or an officer of Thames Valley Police.

16. All staff working after 2000 hours shall receive training to the BIIAB level or any other similar recognised training which has a nationally approved accreditation curriculum to promote the four licensing objectives.

17. The Premises Licence Holder or his nominated assistant manager shall be present at the premises from 1700 hours until closing every day.

If the committee are not minded to reduce the terminal hours for the sale by retail of alcohol and the hours open to the public to 0000hrs for the convenience store, then we would respectfully ask for the following further conditions to be added:

18(a). The premises shall have **TWO** SIA approved door supervisors on a Thursday nights trade, Friday nights trade and Saturday nights trade from 2100 hours until the last customer has left the premises at closing time;

18(b). The premises shall have **ONE** SIA approved door supervisor(s) on a Sunday nights trade, Monday nights trade, Tuesday nights trade and Wednesday nights trade from 2100 hours until the last customer has left the premises at closing time;

18(c). The premises licence holder shall risk assess the requirement to increase the number of SIA approved door supervisors Monday to Sunday from 2100 hours whenever the premises is open to the public. The risk assessment must take cognisance of local events such as Fresher's Week, Bank Holiday weekends, Christmas and New Years Eve as non exhaustive examples. The risk assessment must be in writing and available immediately upon request to authorised officers of Reading Borough Council and Thames Valley Police.

19. When employed, a register of Door Supervisors shall be kept. The register must show the following details:

(i) Full SIA registration number and name.

(ii) Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.

(iii) Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.

(iv) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

(v) A record will be kept on site of all monthly SIA checks that are made via the register of licence holders via the www.sia.homeoffice.gov.uk website to check the validity of all door staff licences. A scan, photocopy or photographic image of the SIA badge held by each door supervisor shall be recorded and retained in a register along with an ID photo of the individual to ensure that the badge is held by the "correct" person. All records to be retained for twelve months in line with (vi) below.

(vi) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.

20. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green, yellow or orange in order that they are clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

21. Whilst Door Supervisors are employed at the premises ALL Door Supervisors working at the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur both inside and outside of the premises involving customers either entering, exiting or gathering in the vicinity of the premises or in any queue that impact any of the four licensing objectives. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

22. All SIA door supervisors employed at the premises will be trained in respect of a Door Supervisors Operational Policy which must be written and provided by the premises licence holder (PLH) and a signed training record to confirm the same will be maintained for production to authorised officers of Reading Borough Council and Thames Valley Police upon request.

23. The Premises Licence Holder (PLH) shall ensure that a written operational policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place, actively operated and included within the Door Supervisors Operational policy. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police. This shall include but not be limited to:

(a) Persons who have been identified by staff as being vulnerable or at risk.

(b) Persons who are refused entry to the premises or refused service within the premises.

(c) Persons who are ejected from the premises

24. The Premises Licence Holder (PLH) shall ensure that upon induction all door supervisors employed at the premises receive as a minimum standard written training in a) control and restraint techniques and b) legal training covering the powers and policies relevant to their role. Refresher training shall be provided every 6 (six) months and signed records shall be produced upon request to authorised officers of Thames Valley Police and Reading Borough Council. Written records for both induction and refresher training are to be kept for a minimum of 2 (two) years of the date of training.

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

(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)

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)

Appendices

- Appendix RS-1: Copy of the current premises licence**
- Appendix RS-2: Crime statistics relating St Mary's Butts**
- Appendix RS-3: Premises inspection results letter from inspection conducted by Jean Champeau**
- Appendix RS-4: Premises inspection results letter from inspection conducted by Peter Narancic**
- Appendix RS-5: Premises inspection results letter from inspection conducted by Robert Smalley**

| | | | |
|----------------------|-------------------|-----------------|-------------------|
| Date Received | 20/01/2020 | Date Due | 17/02/2020 |
|----------------------|-------------------|-----------------|-------------------|

| | | | |
|-------------|-----------|-----------|-------------|
| Date | 07 | 02 | 2020 |
|-------------|-----------|-----------|-------------|



LICENSING ACT 2003 PREMISES LICENCE - PART A

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

| | |
|--------------------------------|-----------|
| Premises Licence Number | LP2001343 |
|--------------------------------|-----------|

Premises Details

| | |
|--|--|
| Trading name of Premises and Address | |
| Bar Iguana/Premier 11 St Marys Butts Reading Berkshire RG1 2LN | |
| Telephone Number | |

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

Licensable Activities

| |
|---|
| Licensable Activities authorised by the Licence |
| Exhibition of Films - Indoor Performance of Live Music - Indoor Playing of Recorded Music - Indoor Performance of Dance - Indoor Anything similar to Live Music, Recorded Music & Performance of Dance - Indoor Late Night Refreshment - Indoor & Outdoor Sale of Alcohol by Retail - On & Off the Premises |

Authorised Hours for Licensable Activities

| |
|--|
| The times the licence authorises the carrying out of licensable activities |
| Hours for the Exhibition of Films |
| Monday from 1000hrs until 0200hrs |
| Tuesday from 1000hrs until 0200hrs |
| Wednesday from 1000hrs until 0200hrs |
| Thursday from 1000hrs until 0200hrs |
| Friday from 1000hrs until 0200hrs |
| Saturday from 1000hrs until 0200hrs |
| Sunday from 1000hrs until 0200hrs |
| Seasonal Variations |
| Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs. |
| New Years Eve from 1000hrs until 1000hrs the following day. |

Hours for the Performance of Live Music

Monday from 1000hrs until 0200hrs
Tuesday from 1000hrs until 0200hrs
Wednesday from 1000hrs until 0200hrs
Thursday from 1000hrs until 0200hrs
Friday from 1000hrs until 0300hrs
Saturday from 1000hrs until 0300hrs
Sunday from 1000hrs until 0200hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 1000hrs until 1000hrs the following day.

Hours for the Playing of Recorded Music

Monday from 1000hrs until 0200hrs
Tuesday from 1000hrs until 0200hrs
Wednesday from 1000hrs until 0200hrs
Thursday from 1000hrs until 0200hrs
Friday from 1000hrs until 0300hrs
Saturday from 1000hrs until 0300hrs
Sunday from 1000hrs until 0200hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for the Performance of Dance

Monday from 1000hrs until 0200hrs
Tuesday from 1000hrs until 0200hrs
Wednesday from 1000hrs until 0200hrs
Thursday from 1000hrs until 0200hrs
Friday from 1000hrs until 0300hrs
Saturday from 1000hrs until 0300hrs
Sunday from 1000hrs until 0200hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for anything similar to Live Music, Recorded Music & Performance of Dance

Monday from 1000hrs until 0200hrs
Tuesday from 1000hrs until 0200hrs
Wednesday from 1000hrs until 0200hrs
Thursday from 1000hrs until 0200hrs

Friday from 1000hrs until 0300hrs
Saturday from 1000hrs until 0300hrs
Sunday from 1000hrs until 0200hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for the Provision of Late Night Refreshment

Monday from 2300hrs until 0200hrs
Tuesday from 2300hrs until 0200hrs
Wednesday from 2300hrs until 0200hrs
Thursday from 2300hrs until 0200hrs
Friday from 2300hrs until 0300hrs
Saturday from 2300hrs until 0300hrs
Sunday from 2300hrs until 0200hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for the Sale by Retail of Alcohol

Monday from 0700hrs until 0630hrs
Tuesday from 0700hrs until 0630hrs
Wednesday from 0700hrs until 0630hrs
Thursday from 0700hrs until 0630hrs
Friday from 0700hrs until 0630hrs
Saturday from 0700hrs until 0630hrs
Sunday from 0700hrs until 0630hrs

The First floor bar: Sunday to Thursday from 1000hrs until 0200hrs
Friday and Saturday from 1000hrs until 0300hrs

The Off Licence: Monday to Sunday from 0700hrs until 0200hrs

Delivery Service: Monday to Sunday from 0700hrs until 0630hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0200hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Opening Hours

Hours the Premises is Open to the Public

Monday from 0700hrs until 0700hrs
Tuesday from 0700hrs until 0700hrs
Wednesday from 0700hrs until 0700hrs
Thursday from 0700hrs until 0700hrs

Friday from 0700hrs until 0700hrs
Saturday from 0700hrs until 0700hrs
Sunday from 0700hrs until 0700hrs

The First floor bar: Sunday to Thursday from 1000hrs until 0300hrs
Friday and Saturday from 1000hrs until 0400hrs

The Off Licence: Monday to Sunday from 0700hrs until 0700hrs
Delivery Service: Monday to Sunday from 0700hrs until 0630hrs

The Bar:

Christmas Eve, New Years Eve and Sundays preceding Bank Holiday Mondays from 0700hrs until 0430hrs

Alcohol

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

Sale of Alcohol by Retail - On & Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Mr Mohammed Saleem

Address: [REDACTED]

Additional Details

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

Name: Mr Kamal Ahmed Saleem

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: PL 0607

Issuing Authority: Wokingham Borough Council

This Licence shall continue in force from 19/01/2013 unless previously suspended or revoked.

Dated: 21 January 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 drinks promotions.

On licence premises only (commencement date 6/4/2010)

- 1** The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d)** provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i)** the outcome of a race, competition or other event or process, or
 - (ii)** the likelihood of anything occurring or not occurring;
 - (e)** 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.

Responsible drinking On and Off Sales

(Commencement date 6 April 2010)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Supply of tap water

On licence premises only (commencement date 6/4/2010)

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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.

Drink Measurements (commencement 1st October 2010)

1. The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall 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: half a pint
- ii) gin, rum, vodka or whisky: 25ml or 35ml and
- iii) still wine in a glass: 125 ml and

b) customers are made aware of the availability of these measures

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
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

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.

Conditions Consistent with the Operating Schedule

1. A recognised proof of age scheme and/or photo driving licence shall be operated within the premises in order to ensure alcohol is not sold to persons under the age of 18, save for the proviso if served to 16 to 18 year olds with a table meal. All staff shall be effectively trained in the use of the age system.
2. A 30 minute fire resisting, self closing door set with smoke seals shall be installed and maintained between the ground floor restaurant and the staircase to the first floor in accordance with the fire services requirements.
3. The first floor bar and bar areas shall be laid out in accordance with plan - L.A lample sheet no. 100-05 Pl-06 Rev.-00
4. The premises must have installed a comprehensive CCTV system, in accordance with the Association of Chief Police Officers, standard to specification approved by the Crime Reduction Advisor of the Thames Valley Police. The CCTV system shall be effectively maintained and ensures all areas of the licensed premises are monitored on both floors, including all entry and exit points, and which enables frontal identification of every person entering in any light condition to the off licence and upstairs bar area.
All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the proceeding 2 days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. A sign advising customers that they are on CCTV shall be positioned in a prominent position. Staff shall trained how to retrieve the information.
5. The Designated Premises Supervisor shall be an active member of Reading Pub Watch.
6. All windows and doors on the first floor shall be kept shut during performances of live music and signs shall be posted by exits requesting patrons to leave the premises quietly.
7. No tables or chairs shall be used externally by the premises for customers.
8. The external area designated as a smoking area for customers of the upstairs bar area shall be clearly marked by barriers and regularly supervised. Alcohol will not be consumed in this area.
9. All deliveries of alcohol after 2300hrs shall be dispatched via the service corridor to the rear of the premise in the basement.
10. Alcohol deliveries shall only be made by residential or business addresses and will not be made to public spaces.
11. Delivery of alcohol can only be made by persons over the age of 18 years. All members of staff engaged with delivery of products shall seek credible photographic proof of age evidence from any person who appears to be under the

age of 25, and/or intoxication will be recorded and available to Thames Valley Police or Reading Borough Council on request.

12. All staff engaged with alcohol sales shall seek credible photographic proof of age evidence from any person who appears under the age of 25 years. All refusals both in the off licence or upstairs bar area for under age intoxication will be recorded and available to Thames Valley Police or Reading Borough Council on request.

13. All staff will be trained in relation to under age sales and licensing law including preventing sales to intoxicated persons. The training will be recorded and available to Thames Valley Police and Reading Borough Council on request.

14. The premises licence holder shall ensure staff are aware of the Local Alcohol Exclusion Zone and are trained in the social responsibilities of the sale by retail of alcohol. Training records shall be available to Thames Valley Police and Reading Borough Council on request.

15. In order to support the Local Alcohol Exclusion Zone initiative, prominent, clear notices shall be displayed at all exit points to advise customers that the area surrounding the premises is an Alcohol Exclusion Zone.

16. The supply of Alcohol Non Standard Timings do not apply to the Off Licence.

17. Persons under the age of 18 years are permitted in the upstairs bar area when accompanied by an adult until 2200hrs.

18. Only 100 persons can be permitted in the bar area on the first floor at any one time.

19. An area on the first floor shall be designated as a dance floor when dancing is taking place.

20. SIA registered door staff shall be employed on Friday and Saturday evenings and on other occasions deemed necessary.

21. The delivery aspect will adopt the procedures of the 'Gulshan Principles' attached to prevent sales or deliveries to persons under the age of eighteen.

The Gulshan Principles state the following:

1. A 'Refusal' log shall be implemented, maintained and monitored in respect of persons that have been refused alcohol by staff. The log will be available for inspection on request by Thames Valley Police and Reading Borough Council.

2. Delivery of alcohol can only be made by a member of staff over the age of eighteen. The delivery staff must be fully trained in licensing law and the social responsibilities of the retail of alcohol. The training will be RECORDED and specific to the role of delivery staff. The records will be available for inspection to Thames Valley Police and Reading Borough Council

3. For delivery orders, alcohol sales can only be made to persons ordering a substantial main meal.

4. (For delivery orders) Customers will be told, on ordering alcohol with food that photographic proof of age is a requirement. On receipt of the alcohol ID will be required to be shown by persons appearing to be under the age of 25.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no.

First Floor: LA Lample sheet no. 100-05 Pl-06 Rev - 00
Plan Date January 2006

Appendix RS-2

Appendix RS-2

Repeat Addresses

Exclude TVP addresses
 Exclude records where no more reduction activity is required or work completed

Select LPA: Type:

Neighbourhood:

Partial address search:

Weekdays: Mon Tue Wed Thu Fri Sat Sun

Chosen Operating sub classification: Times Between: and

Incidents & Responses: Count type:

AI - Assault/Other, AI - Wounding, AI - Harassment, AI - Disorder/Disturbance/Dispute, AI - Noise/Nuisance, AI - Drunk in Charge, AI - Altercation in Progress;

23:00 and 06:00 Number of Incidents

Double-click on a column header to sort

| | December | Oct-Dec | Last 12 Months | Earliest Incident | Address |
|----------------------------|----------|---------|----------------|-------------------|------------|
| 1) ST MARY'S BUTTS READING | 3 | 8 | 17 | 22-Dec-19 | [REDACTED] |
| 2) | 1 | 4 | 16 | 24-Nov-19 | [REDACTED] |
| 3) | 1 | 3 | 15 | 01-Dec-19 | [REDACTED] |
| 4) | 1 | 1 | 12 | 05-Oct-19 | [REDACTED] |
| 5) | 1 | 2 | 10 | 28-Dec-19 | [REDACTED] |
| 6) | 1 | 3 | 9 | 14-Dec-19 | [REDACTED] |
| 7) | 1 | 0 | 8 | 29-Sep-19 | [REDACTED] |
| 8) | 2 | 1 | 7 | 01-Dec-19 | [REDACTED] |
| 9) | 1 | 4 | 7 | 22-Dec-19 | [REDACTED] |
| 10) | 1 | 4 | 7 | 28-Dec-19 | [REDACTED] |
| 11) | 1 | 3 | 6 | 15-Dec-19 | [REDACTED] |
| 12) | 1 | 1 | 6 | 08-Dec-19 | [REDACTED] |
| 13) | 1 | 1 | 6 | 07-Dec-19 | [REDACTED] |
| 14) | 1 | 1 | 5 | 24-Nov-19 | [REDACTED] |
| 15) | 1 | 2 | 5 | 29-Dec-19 | [REDACTED] |
| 16) | 1 | 0 | 5 | 09-Jun-19 | [REDACTED] |
| 17) FRIAR STREET READING | 1 | 0 | 4 | 24-Aug-19 | [REDACTED] |
| 18) | 1 | 1 | 4 | 13-Dec-19 | [REDACTED] |
| 19) | 2 | 0 | 4 | 11-Aug-19 | [REDACTED] |
| | | 2 | 4 | 10-Nov-19 | [REDACTED] |

Incidents relating to address OSGR ST MARYS BUTTS READING

Data downloaded from the Demand and Vulnerability module on 11/01/2020 10:31:49 covering 24 Months Dec 17- 18

| URN & Date | Time | Opening Sub Classification | Address | Response Grade |
|-----------------|-------|------------------------------|---------------------------|-------------------------|
| 18 - 01-APR-18 | 00:13 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 69 - 15-JUN-19 | 00:54 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 111 - 15-DEC-19 | 01:20 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 80 - 21-JUN-19 | 01:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 91 - 03-FEB-18 | 01:34 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 127 - 15-JUN-19 | 01:46 | ASSAULT/OTHER | ST MARYS BUTTS READING | By Arrangement |
| 168 - 05-AUG-18 | 02:03 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 107 - 12-JUL-19 | 02:12 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 108 - 30-MAR-18 | 02:23 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Telephone Resolution |
| 187 - 18-DEC-18 | 02:28 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 84 - 11-OCT-19 | 02:32 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 181 - 22-DEC-19 | 02:42 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 175 - 13-JAN-18 | 02:49 | DISORDER/DISTURBANCE/DISPUTE | ST MARYS BUTTS READING | Immediate |

Address: 182-5

| | | | | |
|-----------------|-------|-------------------------|---------------------------|----------------|
| 207 - 24-NOV-19 | 03:01 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 130 - 13-JUL-18 | 03:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 163 - 13-JAN-19 | 03:28 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 198 - 20-JAN-19 | 03:37 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | By Arrangement |
| 276 - 29-SEP-19 | 03:42 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 254 - 23-JUN-18 | 03:42 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 269 - 14-OCT-18 | 03:49 | ASSAULT/OTHER | ST MARYS BUTTS READING | By Arrangement |
| 149 - 01-NOV-19 | 03:52 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 262 - 19-AUG-18 | 03:58 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 201 - 24-MAR-18 | 03:58 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 229 - 13-MAY-18 | 04:03 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 210 - 10-NOV-19 | 04:06 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 221 - 05-MAY-19 | 04:12 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 172 - 06-JAN-18 | 04:19 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Urgent |
| 264 - 02-NOV-19 | 04:21 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 130 - 22-FEB-19 | 04:21 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 301 - 14-OCT-18 | 04:29 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |

| | | | | |
|------------------|-------|-------------------------|---------------------------|-----------|
| 260 - 14-JAN-18 | 04:32 | ASSAULT/OTHER | ST MARYS BUTTS READING | Urgent |
| 245 - 02-JUN-18 | 04:44 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 267 - 21-DEC-19 | 04:45 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 1624 - 26-MAY-18 | 23:02 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Urgent |
| 1690 - 14-APR-18 | 23:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 1781 - 06-APR-18 | 23:39 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |

Repeat Addresses

Exclude TVP addresses
 Exclude records where no more reduction activity is required or work completed

Select LPA:
 Neighbourhood:
 Partial address search:
 Weekdays: Mon Tue Wed Thu Fri Sat Sun

Chosen Opening sub classification:
 Times Between: and
 C unit type:

Double-click on a column header to sort

| | December | Oct | 2 | 0 | Address |
|---------------------------|----------|-----|----|-----------|------------|
| 1) ST MARYS BUTTS READING | 3 | 8 | 17 | 22-Dec-19 | [REDACTED] |
| 2) | | 4 | 16 | 24-Nov-19 | [REDACTED] |
| 3) | 1 | 3 | 15 | 01-Dec-19 | [REDACTED] |
| 4) | | 1 | 12 | 05-Oct-19 | [REDACTED] |
| 5) | 1 | 2 | 10 | 28-Dec-19 | [REDACTED] |
| 6) | 1 | 3 | 9 | 14-Dec-19 | [REDACTED] |
| 7) | | 0 | 8 | 29-Sep-19 | [REDACTED] |
| 8) | 1 | 1 | 7 | 01-Dec-19 | [REDACTED] |
| 9) | 2 | 4 | 7 | 22-Dec-19 | [REDACTED] |
| 10) | 1 | 4 | 7 | 28-Dec-19 | [REDACTED] |
| 11) | 1 | 3 | 6 | 15-Dec-19 | [REDACTED] |
| 12) | 1 | 1 | 6 | 08-Dec-19 | [REDACTED] |
| 13) | 1 | 1 | 6 | 07-Dec-19 | [REDACTED] |
| 14) | | 1 | 5 | 24-Nov-19 | [REDACTED] |
| 15) | 1 | 2 | 5 | 29-Dec-19 | [REDACTED] |
| 16) | | 0 | 5 | 09-Jun-19 | [REDACTED] |
| | | 0 | 4 | 24-Aug-19 | [REDACTED] |
| 17) FRIAR STREET READING | 1 | 1 | 4 | 13-Dec-19 | [REDACTED] |
| 18) | | 0 | 4 | 11-Aug-19 | [REDACTED] |
| 19) | | 2 | 4 | 10-Nov-19 | [REDACTED] |

Incidents relating to address OSGR ST MARYS BUTTS READING

Data downloaded from the Demand and Vulnerability module on 11/01/2020 10:31:49 covering 24 Months Dec 17- 18

| URN & Date | Time | Opening Sub Classification | Address | Response Grade |
|-----------------|-------|------------------------------|---------------------------|--------------------------------------|
| 18 - 01-APR-18 | 00:13 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 69 - 15-JUN-19 | 00:54 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 111 - 15-DEC-19 | 01:20 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 80 - 21-JUN-19 | 01:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 91 - 03-FEB-18 | 01:34 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 127 - 15-JUN-19 | 01:46 | ASSAULT/OTHER | ST MARYS BUTTS READING | By Arrangement |
| 188 - 05-AUG-18 | 02:03 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 107 - 12-JUL-19 | 02:12 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate Telephone Resolution |
| 108 - 30-MAR-18 | 02:23 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 187 - 16-DEC-18 | 02:28 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 84 - 11-OCT-19 | 02:32 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 181 - 22-DEC-19 | 02:42 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 175 - 13-JAN-18 | 02:49 | DISORDER/DISTURBANCE/DISPUTE | ST MARYS BUTTS READING | Immediate |

| | | | | |
|-----------------|-------|-------------------------|---------------------------|----------------|
| 207 - 24-NOV-19 | 03:01 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 130 - 13-JUL-18 | 03:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 163 - 13-JAN-19 | 03:28 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 198 - 20-JAN-19 | 03:37 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | By Arrangement |
| 276 - 29-SEP-19 | 03:42 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 254 - 23-JUN-18 | 03:42 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 269 - 14-OCT-18 | 03:49 | ASSAULT/OTHER | ST MARYS BUTTS READING | By Arrangement |
| 149 - 01-NOV-19 | 03:52 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 262 - 19-AUG-18 | 03:58 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 201 - 24-MAR-18 | 03:58 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 229 - 13-MAY-18 | 04:03 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 210 - 10-NOV-19 | 04:06 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 221 - 05-MAY-19 | 04:12 | ASSAULT/OTHER | ST MARYS BUTTS READING | Immediate |
| 172 - 08-JAN-18 | 04:19 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Urgent |
| 264 - 03-NOV-19 | 04:21 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 160 - 22-FEB-19 | 04:21 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |
| 301 - 14-OCT-18 | 04:29 | ALTERCATION IN PROGRESS | ST MARYS BUTTS READING | Immediate |

| | | | | |
|------------------|-------|-------------------------|----------------------------|-----------|
| 253 - 14-JAN-18 | 04:02 | ASSAULT/OTHER | ST MARYS BUTTIS READING | Urgent |
| 245 - 02-JUN-18 | 04:45 | ASSAULT/OTHER | ST MARYS BUTTIS READING | Immediate |
| 267 - 21-DEC-19 | 04:45 | ALTERCATION IN PROGRESS | ST MARYS BUTTIS READING | Immediate |
| 1624 - 26-MAY-18 | 23:02 | ALTERCATION IN PROGRESS | ST MARYS BUTTIS READING | Urgent |
| 1690 - 14-APR-18 | 23:26 | ALTERCATION IN PROGRESS | ST MARYS BUTTIS READING | Immediate |
| 1781 - 06-APR-18 | 23:39 | ALTERCATION IN PROGRESS | ST MARYS BUTTIS READING | Immediate |

Appendix RS-3

Anita Cacchioli
MBA F.Inst.SRM.Hons FCMI FloD
Director of Environment, Culture
and Sport

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

Fax: 0118 9372 557

Our Ref: EVU 048669

Your Ref:

Direct: ☎ 0118 9372239

e-mail: jean.champeau@reading.gov.uk

Mr M Saleem
Bar Iguana/Premier
11 St Marys Butts
Reading
Berkshire
RG1 2LN

Date 16 July 2010

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

Dear Mr Saleem

**Licensing Act 2003
Premises Licence Premier, 11 St Marys Butts Reading**

On the 8 July 2010 I visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

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

- 1) The wrong part B of the premises licence was on display, the licence with Mr Ben Cox-Smith as the DPS should be displayed.
- 2) Part A of the premises licence was unavailable for inspection.
- 3) The CCTV was broken and should be in working order.

All the above require your attention.

This letter is sent and should be received as a warning against any future breaches of your premises licence. Should any future breaches occur, formal action may be considered.

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

Yours faithfully

Jean Sebastien Champeau
Senior Licensing & Enforcement Officer



Reading
BOROUGH COUNCIL

posted

Mr Mohammed Saleem
Bar Iguana/Premier Stores
11 St Marys Butts
Reading
RG1 2LN

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/EVU50351

Your Ref:

Direct: ☎ 0118 9372269

e-mail: peter.narancic@reading.gov.uk

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┘

7 December 2012

Your contact is: Mr Peter Narancic, Licensing and Consumer Protection

Dear Mr Saleem

Licensing Act 2003

Premises Licence Number - LP2001175

Name of Premise - Bar Iguana/Premier Stores

Address - 11 St Marys Butts, Reading, Berkshire RG1 2LN.

On Thursday 6 December 2012 I visited your premises to ensure you are complying with the above premises licence and attached conditions. I spoke with your designated premises supervisor, Mr Alistair Scott.

1. Please ensure that Mr Scott notifies the Licensing Section of his change of address, and you apply for a replacement premises licence to reflect this change.

Recommendations

Please ensure that relevant staff authorisation for sale of alcohol, staff training and other specific conditions are equally applied to both businesses. Consideration should be given, for ease of operation, to separate the businesses (for each to have a premises licence).

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>

Should you wish to discuss my inspection, please telephone me on the above number.

41-291 xibrsqqf

Yours faithfully

Mr Peter Narancic
Senior Licensing & Enforcement Officer

Cc Mr Alistair Scott.
Bar Iguana
11 St Marys Butts
Reading
RG1 2LN

Frances Martin
Executive Director of Economic Growth &
Neighbourhood Services
Civic Offices, Bridge St, Reading, RG1 2LU
☎ 0118 937 3787

Our Ref: LIC/054594

Direct: ☎ 0118 9373 762 Option 3
e-mail: robert.smalley@reading.gov.uk

Mr Mohammed Saleem
Reading

20 January 2020

Your contact is: Robert Smalley, Licensing

Dear Mr Saleem,

Licensing Act 2003
Premises Licence Number: LP2001343
Premises: Premier & Bar Iguana
Premises Address: 11 St Marys Butts, Reading

On the 16/01/2020 I visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

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

Premier:

- 1) Condition 4 of your premises licence relates to CCTV. The quality of the images recorded are fairly poor. Due to an error, the hard drive of the CCTV system had been erased when the engineer was retrieving the footage that Thames Valley Police had requested. I appreciate that this means that 31 days worth of recordings could not be produced at the time of my inspection. I will visit the premises again when there has been enough time to record 31 days of footage to ensure that you are fully compliant with this condition.
- 2) Condition 12 of your premises licence relates to proof of ages checks and recording refusals. A notepad was produced that had entries of refusals, however in some cases there was very little detail of the person being refused. I would recommend that you train your staff to understand how to properly record refusals.
- 3) Condition 13 of your premises licence relates to staff training. A notepad was produced that contained the names of staff members and the subjects that they had been trained in. These training records were not signed or dated by any members of staff. I would recommend that this is done to evidence that each member of staff has attended the training session and is signing to state that they have completed and understood the training.

2-29 xibnsggA

Bar Iguana:

1. Condition 4 of your premises licence relates to CCTV. The quality of the images recorded are fairly poor and not all of the licensable area is covered by the cameras (top of the stairs coming from the main entrance). Due to an error, the hard drive of the CCTV system had been erased when the engineer was retrieving the footage that Thames Valley Police had requested. I appreciate that this means that 31 days worth of recordings could not be produced at the time of my inspection. I will visit the premises again when there has been enough time to record 31 days of footage to ensure that you are fully compliant with this condition.

Recommendations:

1. I would recommend that you keep separate books for recording refusals, incidents and training. This will assist your staff in recording and accessing information relating to these matters. When I asked to witness evidence of refusals, Mr Saleem had to thumb through the pages to actually find some refusals. This would not be an issue if they were kept in their own log.
2. I would recommend that a copy of part A and B of your premises licence are kept upstairs in the bar. This will assist any authorised officer(s) that may wish to inspect the licences if access to downstairs is not possible.

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

Yours faithfully

Robert Smalley
Licensing & Enforcement Officer

From: Maria McDonald
Sent: 10 February 2020 21:28
To: Licensing <Licensing@reading.gov.uk>
Subject: Late opening

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Licensing Department
Reading Borough Council

Maria McDonald

Reading

Tel

Representation Letter

Re: Premises Licence Review for Favourite Chicken & Pizza, 10 St Mary's Butts , Reading, RG12LN.

Dear Sir/Madam

I am writing to make a representation under the licensing act for premier store/Iguana bar, under the crime and disorder and public safety objectives.

I was very upset to learn that Thames Valley Police are looking to reduce the trading hours of premier store/Iguana Bar, knowing full well that they are not the cause of concern in St Mary's Butts. I have been going out for years in Reading Town Centre and I've never experienced or witnessed any trouble while I've been inside the premier store..

Security there do a wonderful job maintaining order around the vicinity.

However on the odd occasion that I have witnessed an incident it's always been in the streets, so how you can tie that up to a chicken shop is beyond me.

Blaming a convenience store is the easy way out for TVP.... That shop is the only place to get snacks, tobacco and essentials after a night out!

I understand that my personal details will be disclosed.

Yours Faithfully

Maria McDonald

From: Ben Cox-Smith
Sent: 13 February 2020 07:20
To: Licensing <Licensing@reading.gov.uk>
Subject: Representation letter re: Premises license review PremierStores/Bar Iguana

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Sir/Madam,

RE: Premises license review for Premier Stores/Bar Iguana 11 St Mary's Butts, RG1 2LN

I am writing in support of Bar Iguana in light of the upcoming licencing review.

Having lived in Reading the majority of my life I have seen the gradual decline in number of alternative and independent bars and music venues and Bar Iguana caters for a whole sub culture of people, many of whom don't go to any other bars. Having worked at the Iguana previously for over 10 years I can see the strong community that has built up around it that would be left with nowhere to go were it not there, including myself whenever I come back to Reading to see family.. Much of the music and culture celebrated in the Iguana is not catered for elsewhere and is an integral part of a town such as Reading that celebrates diversity in all its forms.

I understand that there are some concerns surrounding anti social behaviour late at night in the area around St. Mary's Butts, however I can emphatically say that Bar Iguana itself is very peaceful, as are it's patrons and staff, along with those of the Premier Stores below. Over the many years I worked there there were virtually no incidents and no violence whatsoever. On the contrary, the Iguana is seen as a safe haven for values of peace and respect among the community that frequents it and who often don't feel safe in the rest of what can be a very tumultuous late night scene in Reading (as in any town or city it's size).

I would implore you consider that correlation does not equate to causation and not to rid Reading of such an iconic venue which has been serving an otherwise uncatered for community for over 25 years.

Your Faithfully,

Mr. B. Cox-Smith

-----Original Message-----

From: rick tubbs <

Sent: 13 February 2020 18:30

To: Licensing <Licensing@reading.gov.uk>

Subject: Representation letter

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Re: Premises license review for Premier store/Bar Iguana, 11 St Mary's Butts, Reading, Berkshire RG1 2LN

To whom it may concern,

I am writing this letter as i would like a chance to comment on the licensing review for the business mentioned above.

Firstly, like any other town (hopefully soon a city), there are always going to be "assholes" that like to ruin things for other people.

With this being said, I think that it's ridiculous that the actions of a few people, can potentially harm a business, which has been operating in town for a long time now.

The premier shop is one of the only shops I trust in town, and has been a life saver for me on many occasions when nothing else is open late at night.

From simple things like milk, electric or baby supplies etc.

I'm sure this is the case for many people.

On a related note, I assume that one of reading borough councils main goals is to get city status correct?

With that being said, I hope you are taking note of the benefits of the premier shop in respects to business men and woman, who work in reading during the week and make use of our hotels in town centre, who need supplies late at night.

I have personally never seen any issues which were cause for concern happen in / outside the premier shop, or bar iguana at night.

However I have seen It happening out side the other bars and club along the main strip. This is obviously a "drink" issue. And in which case. You simply can't blame this on a single business.

In short. Premier and bar iguana have been part of the town centre for long enough that they are well known, respected and established businesses. Please do not destroy there ability to thrive in this busy town by limiting there licensing.

And FYI. Premier is the only convenience store I use in reading now. As it's the only one with friendly staff and trustworthy, and I think you'll find that many would agree with this statement.

Kind regards, Rickey Tubbs - Reading.

From: anna johnson
Sent: 15 February 2020 17:17
To: Licensing <Licensing@reading.gov.uk>
Subject: Representation letter

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Re: Premises license review for Premier store/Bar Iguana, 11 st Marys Butts, Reading Berkshire RG1 2LN.

To whom this concerns, I have been going to Bar Iguana for many many years. I love visiting there as I love the atmosphere and always feel safe and relaxed. I enjoy alternative music which nowhere else in Reading plays. It offers a friendly place for upcoming djs to hold their events. When each of my children reached 18 their birthday party's were held there. It was an amazing time for all of them and their friends. I have never felt any negativity in there or seen any trouble. I would never of let my children have their birthdays there if I believed they would be in danger in any way. It would be an extreme loss to a lot of good people if anything was to effect their license. Anna Johnson

From: Jodie Paonessa <jodie.paonessa@reading.gov.uk>
Sent: 15 February 2020 16:29
To: Licensing <Licensing@reading.gov.uk>
Subject: Bar Iguana

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

To whom it may concern,

I am writing to say that I would be devastated if Bar Iguana was to close or if there hours were to be reduced. I have never know there to be any trouble there over the many years I have been going to the establishment. There has always been bouncers on the door and the bar man is always vigilant on who he serves. I know many people including myself choose to go to this particular bar as it is an independent, alternative place with different music genres and where anyone is welcome. This is somewhere you would struggle to find anywhere similar within reading.

Jodie Camilleri

Reading
RG1 2TF

From: palo banjo
Sent: 15 February 2020 03:06
To: Licensing <Licensing@reading.gov.uk>
Subject: REPRESENTATIONAL SUPPORT LETTER FOR BAR IGUANA

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Basingstoke
Hampshire

14th February, 2020

Tel:

Representation Letter

Dear Sir or Madam,

My name is Ursula Codrington and I am writing this representation letter for Reading Bar Iguana's Manager, Terry Holder, in support of his application for a 9.00 to 3.00am liquor license.

Bar Iguana is a unique, secluded, multicultural premises, which from Thursdays to Saturdays, is often frequented by hospital night shift medical staff and care workers including myself. My middle aged nursing colleagues and I have been acquainted with Mr Holder for many years, and we have known him to be an extremely efficient, responsible business minded manager, who has always impressed us with how he stays so calm under the stress of pressure. Additionally, as regular customers we have seen management and security routinely check the IDs of younger customers entering the premises or ordering any alcoholic beverages. Terry is very friendly and cheerful individual and we have always felt safe and secure at this bar due to numerous televisions and security cameras in and around the building and the high presence and level of security guards at the entrance.

In all the years we have been going here we have never experienced any disorder, racial or homophobic abuse, anti social behaviour or alcohol fuelled violent incidents associated in or outside the premises. Instead we have had the privilege of meeting many other mature professionals who live, like myself, outside of Reading in areas such as Basingstoke, Eastleigh, Southampton Oxford and London, whom for weekends get away, stay at either Ibis, Novotel or the Mercure Hotels. Often the group links up to eat lunch, dinner, go shopping or football matches etc and then ends the day relaxing at the Bar Iguana.

Further, we often have overseas visitors join us from Tenerife, Bermuda and Barbados during Black History Month or who visit cultural events such as Reading Carnival, Bob Marleys 75th anniversary etc and who love to end their day sipping Terry's rum punch and other Caribbean drinks or dancing the night away at Bar Iguana.

I hope you will be prepared to consider and grant management's request for a 9.00pm-3.00am liquor license for Bar Iguana RG1 2LN

Thanking you in advance,

Yours Faithfully,

Ursula Codrington

LICENCED PREMISES INCIDENT REPORT

| Submitting Officer | | | |
|--------------------|---------|-------|--------------|
| Shoulder No: | P2180 | Name: | Chris Weedon |
| Station: | Reading | LPA: | Reading |

| Incident References | | | |
|-------------------------|--|------------------|-----------------|
| Premises Name: | Favourite Chicken, Premier Stores | Location: | St Mary's Butts |
| Incident Date: | 26/01/2020 | Incident Time: | 03:11 |
| Command & Control URN: | 162 | Crime Report(s): | None |
| CCTV Seized: | No | | |
| Sources of Information: | Echo Tango, door staff and attending police officers | | |

Nature of Incident – what happened?

At 03:11 on 26/01/2020 a call was made over town safe radios from door staff on Gun Street that there was a large scale fight within the graveyard of St Mary's church involving approximately 100 people. Police arrived on scene to find approximately 100 people within the graveyard of St Mary's church. These people covered the graveyard, the pavements and also the road heading towards St Mary's Butts. There were approximately 15 door staff standing within the graveyard attempting to de-escalate the situation. The door staff appeared to all be from the venues on Gun Street. The door staff were communicating with the people allegedly involved in the altercation and there was one male detained on the floor. No weapons were seen, no injuries were reported and no complaints of any assaults were made. Police asked the door staff what the male detained on the floor had done but none could offer any explanation other than that they believed he had been involved. The male on the floor was calm and so was let go and he walked away out of town towards Bridge Street. Door staff could not add any further information as to what happened other than they believed it had been one group against another but they didn't know why it had started.

The vast majority of the people seen in the graveyard then walked over to St Mary's Butts and congregated outside and inside Favourite Chicken and Premier Store. Both premises were heaving with people inside. In Favourite Chicken especially, the queue was next to the door and there was a complete lack of space so the chances of intoxicated people bumping in to each other and altercations starting was high. There were two members of door staff present, one was very vocal and enthusiastic to move people out of the area but none moved. In reality, whether the door staff was vocal or not would have the same effect as none of the intoxicated people moved on. The door staff and police were completely outnumbered with the majority of people simply waiting for police to turn their backs before moving towards another group they had an issue with.

Small pockets of fighting continued and there was a further altercation identified by door staff within St Mary's graveyard at 03:23 hours but, again, all persons involved ran off and no complaints were made.

Police stayed in the area outside Premier Store and Favourite Chicken until approximately 04:00 hours. Having these two venues remain open caused significant difficulties for police as jobs were called in away from the town centre which police struggled to resource as they had to remain in the town centre to maintain an element of control.

What was another issue was the amount of parked cars on the pavement area in front of Favourite Chicken and Premier Store. These parked vehicles caused issues with the amount of pedestrians not fitting on the pavement then many intoxicated young people were walking on the road. There was frequent vehicle traffic consisting of taxis and other vehicles picking up people, albeit taking their time to pick them up. As the two premises which are the latest to finish are located in the same area all the taxis park up in this area. These taxis on top of the vehicles belonging to members of the public then cause significant congestion on the road and so the chances of road traffic collisions is also high. A further risk is added from the amount of police vehicles responding to immediate jobs through the town centre.

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

Door staff from Gun Street were very helpful when police first attended. No issues were raised by them and no issues of their behaviour were observed by police. Staff remained calm and professional and co-operated with police.

I must also add that there did appear to be some people, especially females, who looked under 18. This was not confirmed but it is also a strong likelihood that under 18s wait to go St Mary's Butts knowing that that's where people associate once the licensed venues start to shut. Again, this causes a further issue for police as many males openly admitted to looking for a female to go home with at the end of the night and police simply do not have enough to keep any eye on all the potentially vulnerable females that they see whether that's through intoxication or suspected age.

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

Police responded immediately to this altercation. This was difficult as it occurred when one team had finished at 03:00 and so only one team could respond. Police attended from Reading LPA, Wokingham and Bracknell LPA and Newbury LPA so the effect this incident had on policing within Berkshire was significant. No complaints were made to police and no substantial offences were identified so no police action was taken against anyone. There was no dispersal order in place at the time.

The original attending officers were PC 2180 Weedon, PC 3062 Hoose, PC 1100 Marchant and PS 4587 Morris who were then supported by further officers as they became available to do so.

LICENCED PREMISES INCIDENT REPORT

| Name | Date of Birth | Role | Action Taken | Ref No (e.g. Custody, PND etc) | Level of Intoxication (specify number 0 to 6) |
|------|---------------|------|--------------|-----------------------------------|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

LEVELS OF INTOXICATION

| Level | Description | Observations |
|-------|-------------------|---|
| 0 | SOBRIETY | Has had less than one drink in an hour |
| 1 | EUPHORIA | Difficulty concentrating. Talkative. Lowered inhibitions. |
| 2 | EXCITEMENT | Senses are dulled. Poor coordination. Drowsy |
| 3 | CONFUSION | Exaggerated emotions. Difficulty walking. Blurred vision |
| 4 | STUPOR | Cannot stand or walk. Vomiting |
| 5 | COMA | Unconscious. Low body temperature |
| 6 | DEATH | Death as a result of respiratory arrest |

- **When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)**
- **This form is used in licensing meetings/hearings and therefore is a disclosable document.**
- **Your opinion matters so please write in a professional manner.**

Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading, RG31 7SD

Direct Line 0118 938 4481 | Switchboard 0118 945 2888
Email westhubfiresafety@rbfrs.co.uk | www.rbfrs.co.uk

Follow us on Twitter @rbfrsofficial



Mr Kamal Saleem, Licensee
Bar Iguana
11 St Mary's Butts
Reading
RG1 2LN

Your Ref:
Our Ref: 99690
Ask for: Mr Morgan-Russell
Date: 28/1/20

Dear Sir,

Letter of Fire Safety Matters
Premises: Bar Iguana, 11 St Mary's Butts, Reading, RG1 2LN

I visited your premises on 23/1/20 and evaluated the fire safety provided. I am pleased to advise you that you showed adequate safety. However, I am of the opinion that you can improve that safety. The attached schedule sets out my suggested improvements. There is no time limit associated with this letter. I do not intend to return in connection with this visit.

Fire Safety Management

The schedule sets out what you need to do to improve fire safety.

Alternative Solutions

You might want to use a different solution to meet the outcome(s) stated in the schedule. An alternative approach might enable you to make improvements that better meet your needs. I will be happy to discuss your ideas and suggestions.

Further Recommendations

You should verify your assumption that the Broad Street Mall management correctly maintain your sprinkler system.

Your automatic fire detection has mostly heat detectors, which react to fire more slowly than smoke detectors. You should plan to replace heat with smoke detectors when and where practicable.

Have Your Say

If you are unhappy with the way the inspection has been conducted, or wish to make a complaint concerning any aspect of an inspection, our contact details are at the top of this page.

Yours faithfully,



D Morgan-Russell
Authorised Fire Safety Inspecting Officer
And on behalf of the Royal Berkshire Fire and Rescue Authority

Enc: Schedule attached

Licensing@reading.gov.uk

TVP: Jason.Jones@thamesvalley.pnn.police.uk

Important Information – schedule referred to in letter

Notes to this schedule:

The government guidance most suitable to your premises is Fire safety Risk Assessment – Small and Medium Places of Assembly, which can be found at on our website at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/422195/9294_Small_Mediumt_v2.pdf

Before you make certain changes to the premises, you may have to apply for approval from statutory bodies and/or others having interest in them. If you have doubt about the need for approval, you should ask the relevant body. For example, you may have to apply for approval from a Building Control Body to make material alterations. You might also need to apply for the property owners' permission or for listed building consent, among others.

| Item number 1 | |
|------------------|---|
| Outcome | This work is necessary to ensure that your fire risk assessment (FRA) and your escape routes are adequate. |
| Suggested Action | Your FRA should compare your fire safety provisions with national guidance and should contain a calculation of your premises' maximum safe occupancy. |
| Reason | Your FRA was inadequate. |

| Item number 2 | |
|------------------|--|
| Outcome | This work is necessary to prevent fires. |
| Suggested Action | Your electrical installation and portable electrical appliances and your gas installation should be inspected in accordance with national guidance. |
| Reason | At the time of audit, your electrical installation and portable electrical appliances and your gas installation had not been inspected in accordance with national guidance. |

| Item number 3 | |
|------------------|--|
| Outcome | This work is necessary to ensure that your fire safety provisions operate correctly when required. |
| Suggested Action | You must maintain your fire warning system and emergency lighting yearly and check your fire warning system weekly and fire extinguishers monthly, in accordance with national guidance. |
| Reason | At the time of audit, you were not carrying out this maintenance and checking. |

Premier off Licence (Conditions to replace all the current operating schedule and historical 1964 Act conditions)

Hours to be reduced Monday - Sunday to:

Hours for the sale by retail of alcohol - 0700 - 0000

Hours open to the public - 0700 - 0000

Remove all seasonal variations, non-standard timings and all delivery timings.

1. 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. 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. Recorded images shall be of such quality as to be able to identify the recorded person in any light, subject to the provisions of the Data Protection Act. **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.** CCTV signs shall be displayed in public areas.

2. The premises shall at all times operate a Challenge 25 policy to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

3. All cashiers involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain:

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

This book /register will be available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.

4. Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing, recognising valid identity documents not in the English language and identifying attempts by intoxicated persons who attempt to purchase alcohol. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and

Reading Borough Council upon request.

5. Signs shall be placed at all exits informing customers that the area outside the premises is an Alcohol Exclusion Zone.

6. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

7. No cans of super strength beer and cider above 6.5% ABV shall be sold on the premises at any time except for products identified as premium craft beers.

8. The licence holder shall actively participate in initiatives set up by Thames Valley Police; Reading Borough Council or Reading Pubwatch including initiatives to tackle drunken behaviour and street drinking.

9. As of 1st April 2017, alcohol shall only be purchased from legitimate wholesalers registered with HMRC's Alcohol Wholesale Registration Scheme. Invoices for all purchases of alcohol shall be kept on the premises for inspection for a period of six months after the purchase.

10. The Premises Licence Holder shall implement a policy to actively disperse customers from the premises and the immediate vicinity. The policy must be in written format and made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police. All members of staff shall be trained in this policy.

11. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents;

12. Unaccompanied children under the age of 18 years shall not be permitted on the premises after 20:00 hours. The premises licence holder or duly nominated representative shall put in place processes for identifying customers under 18 and written signed training provided to all staff and door supervisors detailing how to deal with any potential conflict arising from the refusal of service.

13. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

I. The Prevention of Crime and Disorder.

II. Public Safety.

III. Public Nuisance.

IV. The Protection of Children from Harm.

14. A litter bin shall be provided at the premises and the immediate area outside the premises shall be kept clear of litter at all times when it is open for licensable activity.

15. All incidents which impact on any of the licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded. Such records shall be retained for a period of one year and shall be made available for inspection by an authorised officer of Reading Borough Council or an officer of Thames Valley Police.

16. All staff working after 2000 hours shall receive training to the BIIAB level or any other similar recognised training which has a nationally approved accreditation curriculum to promote the four licensing objectives.

17. The Premises Licence Holder or his nominated assistant manager shall be present at the premises from 1700 hours until closing every day.

If the off licence premises is afforded the ability to trade beyond 0000 hours the following further conditions to be added:

18(a). The premises shall have **TWO** SIA approved door supervisors on a Thursday nights trade, Friday nights trade and Saturday nights trade from 2100 hours until the last customer has left the premises at closing time;

18(b). The premises shall have **ONE** SIA approved door supervisor(s) on a Sunday nights trade, Monday nights trade, Tuesday nights trade and Wednesday nights trade from 2100 hours until the last customer has left the premises at closing time;

18(c). The premises licence holder shall risk assess the requirement to increase the number of SIA approved door Monday to Sunday from 2100 hours whenever the premises open to the public. The risk assessment must take cognisance of local events such as Fresher's Week, Bank Holiday weekends, Christmas and New Years Eve as non exhaustive examples. The risk assessment must be in writing and available immediately upon request to authorised officers of Reading Borough Council and Thames Valley Police.

19. When employed, a register of Door Supervisors shall be kept. The register must show the following details:

(i) Full SIA registration number and name.

(ii) Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.

(iii) Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.

(iv) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

(v) A record will be kept on site of all monthly SIA checks that are made via the register of licence holders via the www.sia.homeoffice.gov.uk website to check the validity of all door staff licences. A scan, photocopy or photographic image of the SIA badge held by each door supervisor shall be recorded and retained in a register along with an ID photo of the individual to ensure that the badge is held by the “correct” person. All records to be retained for twelve months in line with (vi) below.

(vi) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.

20. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green, yellow or orange in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

21. Whilst Door Supervisors are employed at the premises ALL Door Supervisors working at the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur both inside and outside of the premises involving customers either entering, exiting or gathering in the vicinity of the premises or in any queue that impact any of the four licensing objectives. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

22. All SIA door supervisors employed at the premises will be trained in respect of a Door Supervisors Operational Policy which must be written and provided by the premises licence holder (PLH) and a signed training record to confirm the same will be maintained for production to authorised officers of Reading Borough Council and Thames Valley Police upon request.

23. The Premises Licence Holder (PLH) shall ensure that a written operational policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place, actively operated and included within the Door Supervisors Operational policy. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police. This shall include but not be limited to:

- (a) Persons who have been identified by staff as being vulnerable or at risk.
- (b) Persons who are refused entry to the premises or refused service within the premises.
- (c) Persons who are ejected from the premises

24. The Premises Licence Holder (PLH) shall ensure that upon induction all door supervisors employed at the premises receive as a minimum standard written training in a) control and restraint techniques and b) legal training covering the powers and policies relevant to their role. Refresher training shall be provided every 6 (six) months and signed records shall be produced upon request to authorised officers of Thames Valley Police and Reading Borough Council. Written records for both induction and refresher training are to be kept for a minimum of 2 (two) years of the date of training.

Bar Iguana (Conditions to replace all the current operating schedule and historical 1964 Act conditions)

Hours to be reduced Monday - Sunday to:

Hours for the sale by retail of alcohol/ licensable activities - 1000hrs until 0030hrs
Hours open to the public - 1000hrs - 0100hrs

Remove all seasonal variations and any non-standard timings.

1. 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. Recorded images shall be of such quality as to be able to identify the recorded person in any light. 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. 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.

2. A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.

3. An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

4. The external area designated as a smoking area for customers of the upstairs bar area shall be clearly marked by barriers. Alcohol will not be consumed in this area. When the premises reaches a 35% capacity, a dedicated Door Supervisor shall have the responsibility of controlling this area in terms of nuisance and disorder. This duty shall be conducted from outside of the area and in its entirety. This Door Supervisor shall have no other responsibilities save where there is an emergency and the entire premises requires to be evacuated.

5. The premises licence holder or duly nominated representative shall be an active member of the local pub watch scheme if such a scheme is operative.

6. The Premises Licence Holder shall participate in the "Townsafe" Radio Scheme". This condition shall not apply whenever the device is not working through no fault of the Premise Licence Holder provided that arrangements are made for the device to resume working at the earliest opportunity. When the device is found not to be working then the Thames Valley Police Licensing Officer and the Licensing Department of Reading Borough Council shall be notified. Similarly, when the device is back up working notification to both organisations shall be done.

7. The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.

8. During operating hours the licensee or nominated representative shall be available to receive and respond to nuisance related complaints a contact number shall be readily available to residents upon request.

9. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

10. The Premises Licence Holder shall ensure that notices are predominantly displayed at all exits advising customers that the surrounding area is an Alcohol Restriction Zone.

11. (a) The premises shall have **FOUR** SIA approved door supervisors on a Thursday nights trade, Friday nights trade and Saturday nights trade from 2100 hours until the last customer has left the premises at closing time whenever licensable activities are being conducted;

11. (b) The premises shall have **THREE** SIA approved door supervisor(s) on a Sunday nights trade, Monday nights trade, Tuesday nights trade and Wednesday nights trade from 2100 hours until the last customer has left the premises at closing time whenever licensable activities are being conducted;

11. (c) The premises licence holder shall risk assess the requirement to increase the number of SIA approved door Monday to Sunday from 2100 hours whenever the premises is open to the public. The risk assessment must take cognisance of local events such as Fresher's Week, Bank Holiday weekends, Christmas and New Years

Eve as non exhaustive examples. The risk assessment must be in writing and available immediately upon request to authorised officers of Reading Borough Council and Thames Valley Police.

12. When employed, a register of Door Supervisors shall be kept. The register must show the following details:

(i) Full SIA registration number and name.

(ii) Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.

(iii) Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.

(iv) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

(v) A record will be kept on site of all monthly SIA checks that are made via the register of licence holders via the www.sia.homeoffice.gov.uk website to check the validity of all door staff licences. A scan, photocopy or photographic image of the SIA badge held by each door supervisor shall be recorded and retained in a register along with an ID photo of the individual to ensure that the badge is held by the “correct” person. All records to be retained for twelve months in line with (vi) below.

(vi) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.

13. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green, yellow or orange in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

14. Whilst Door Supervisors are employed at the premises ALL Door Supervisors working at the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur both inside and outside of the premises involving customers either entering, exiting or gathering in the vicinity of the premises or in any queue that impact any of the four licensing objectives. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

15. All SIA door supervisors employed at the premises will be trained in respect of a Door Supervisors Operational Policy which must be written and provided by the

premises licence holder (PLH) and a signed training record to confirm the same will be maintained for production to authorised officers of Reading Borough Council and Thames Valley Police upon request.

16. The Premises Licence Holder (PLH) shall ensure that a written operational policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place, actively operated and included within the Door Supervisors Operational policy. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

This shall include but not be limited to:

(a) Persons who have been identified by staff as being vulnerable or at risk.

(b) Persons who are refused entry to the premises or refused service within the premises.

(c) Persons who are ejected from the premises

17. The Premises Licence Holder (PLH) shall ensure that upon induction all door supervisors employed at the premises receive as a minimum standard written training in a) control and restraint techniques and b) legal training covering the powers and policies relevant to their role. Refresher training shall be provided every 6 (six) months and signed records shall be produced upon request to authorised officers of Thames Valley Police and Reading Borough Council. Written records for both induction and refresher training are to be kept for a minimum of 2 (two) years of the date of training.

18. The Premises Licence Holder shall ensure that no special effects shall be used on the premises without a written Risk Assessment provided to RBC at least ten (10) working days prior to a proposed event.

19. No externally promoted events or bookings shall be undertaken and no external promoters utilised at the premises.

20. Re-admittance for existing customers leaving the premises to smoke is permitted and, where appropriate, shall be subject to a search by the door supervisors when re-entering the premises.

21. The Premises Licence Holder shall implement a written search policy (following discussion with Thames Valley Police), to minimise the risk of illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures. The search policy shall provide, as a minimum:

(a) For 100% bag search of all customers attempting to enter the premises, from 21:00.

(b) For random searches of any customer when considered appropriate by PLH's

Security personnel or PLH Management based on risk assessment of the night in question;

(c) For the operation of intelligence led searches of any customer as required.

22. Notices shall be displayed advising the public that the right to conduct an outer body search is reserved as a condition of entry, and that Thames Valley Police shall be informed if anyone is found in possession of illegal drugs or offensive weapons.

23. At all times that the premises is operating under this licence, the Premises Licence Holder shall ensure that its staff operate a Challenge 25 Policy (to minimise the risk of alcohol being sold to underage customers). This Policy shall (as a minimum provide) that before entry (or alternatively before any sale of alcohol), any person who appears to be under the age of 25 will be required to produce photo ID in the form of a passport; driving licence, UK Military ID card; PASS (or similar) card to prove that he/she is over the age of 18, before being permitted;

24. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent places in the premises so that they can be seen internally and externally;

25. An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation 7 days per week when door staff are on duty.

26. The ID Scan Device shall record the names and dates of birth of all persons entering the premises and retain the image and details of the ID. These records shall be kept for a minimum of thirty one days and shall be made available to any authorised Officer of Thames Valley Police or an authorised Officer of Reading Borough Council together with facilities for viewing with immediate access by a person qualified to operate the system;

Any breakdown or system failure will be notified to TVP immediately and remedied as soon as practicable;

27. The Premises Licence Holder shall implement an active policy, agreed with Thames Valley Police, (TVP) to prevent illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures;

28. The venue shall also actively partake in drugs initiatives run by TVP (including, but not exclusively, drug itemiser, passive drug dogs and spiked drinks campaigns);

29. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one

year and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

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

30. An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail. If incidents involve members of staff, including Door Staff their names shall be entered onto the log book. All incidents shall be signed off either by the Designated Premises Supervisor (DPS) or the nominated individual when the DPS is not on site;

31. All refusals of service, shall be recorded. The refusals log shall be retained for a period of six months and shall be made available on request to any authorised Officers of Thames Valley Police or authorised Officers of Reading Borough Council;

31(a). All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log 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.

32. The Premises Licence Holder shall ensure that a system of preventing drinks being taken from the building by customers is adopted and maintained. The Premises Licence holder shall prevent customers from leaving the premise with any alcoholic or non-alcoholic drinks from the Premises in open containers (e.g. glasses, opened bottles, & cans);

33. The Premise Licence Holder shall ensure that no drinking glasses, other than toughened glasses, not capable of forming shards when broken, may be used for the serving of drinks.

34. Children under the age of 18 years shall not be permitted on the premises at any time.

| Submitting Officer | | | |
|--------------------|---------|-------|-----------|
| Shoulder No: | P2411 | Name: | A.EDWARDS |
| Station: | READING | LPA: | READING |

| Incident References | | | |
|-------------------------|--------------------------|------------------|--------------------------|
| Premises Name: | Favourite Chicken Shop | Location: | St Mary's Butts, Reading |
| Incident Date: | 16/02/20 | Incident Time: | 03:10 – 03:45 |
| Command & Control URN: | 190 16/02/20 | Crime Report(s): | |
| CCTV Seized: | | | |
| Sources of Information: | Police officers on scene | | |

Nature of Incident – what happened?

Police in the area of St Marys Butts made aware of a large altercation at 03:10 hrs 16/02/20 outside the Favourite Chicken Shop and Bar Iguana which is located next door.

This has begun when 2 males have had a dispute inside the Bar Iguana after 1 male has stood on the other male's foot. The 2 males have then gone into the Favourite chicken shop and continued the argument where door staff have ejected the males. This argument has then escalated and groups have come together and began pushing and shoving each other. Door staff have continued to eject members from the chicken shop into the street just outside the chicken shop, putting all those involved into a large group outside. During all of this, there are 4 door staff from the chicken shop who continued to eject people and tell people to move on. All of those ejected have then continued to push and shove each other outside on the street.

Police on scene have separated groups and it has eventually fizzled out with no offences being committed. PS 1009 Watkinson has spoken to door staff from the chicken shop who have not said anything and remained tight lipped about what they have seen. It was suspected that some off duty door staff who they knew were also involved.

An off duty police officer had mentioned that one of the males within the group wearing a black puffer jacket possibly had a knife.

A male was then seen at one of the bus stops, matching the description given, just over the road shortly after having a heated argument with his girlfriend.

This male was then seen to put his hands down into his waistband and was instantly challenged by an officer who red-dotted him with his Taser. The male was then detained for a search where no knife was found. This male gave details of [REDACTED]. He was then let go after other officers debriefed his girlfriend.

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

Staff have reacted by ejecting a number of people from the premises and out to the front of the store. Having ejected a number of people this has put all those involved within close proximity and resulted in it creating another altercation out on the street.

CCTV operator was monitoring at all times.

Police have spoken to door staff and they have not said how this began or why. They gave little information on how it all happened.

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

Police were dealing with a separate incident at the time which was just up the road therefore were nearby. Police have separated the groups and began to get people to move away from the chicken shop. Police have seen a male arguing with his girlfriend in a nearby bus stop matching the description given of a male who may possess a knife. This male was red-dotted and detained for a search which was negative.

Officers involved:

Insp 4912 Roxburgh
PS 1009 Watkinson
PS 4587 Morris
PC 1843 Bridger-Wilkinson
PC 2411 Edwards
PC 2527 Day-Hunt
PC 3029 Bennett
PC 596 Jarman
PC 4018 Hopes
PC 1004 Wilson
PC 2180 Weedon
PC 3528 Greaves

LICENCED PREMISES INCIDENT REPORT

| Name | Date of Birth | Role | Action Taken | Ref No (e.g. Custody, PND etc) | Level of Intoxication (specify number 0 to 6) |
|------------|---------------|------------------|--|-----------------------------------|--|
| ██████████ | ██████████ | Male in bus stop | Detained and searched (Negative search result) | | 3 |
| | | | | | |
| | | | | | |
| | | | | | |

LEVELS OF INTOXICATION

| Level | Description | Observations |
|-------|-------------------|---|
| 0 | SOBRIETY | Has had less than one drink in an hour |
| 1 | EUPHORIA | Difficulty concentrating. Talkative. Lowered inhibitions. |
| 2 | EXCITEMENT | Senses are dulled. Poor coordination. Drowsy |
| 3 | CONFUSION | Exaggerated emotions. Difficulty walking. Blurred vision |
| 4 | STUPOR | Cannot stand or walk. Vomiting |
| 5 | COMA | Unconscious. Low body temperature |
| 6 | DEATH | Death as a result of respiratory arrest |

- ***When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)***
- ***This form is used in licensing meetings/hearings and therefore is a disclosable document.***
- ***Your opinion matters so please write in a professional manner.***

ID: 18169126

ST MARYS BUTTS, READING

URN: Date: Time: Location Reference:
 190 16/02/2020 03:11 79734
 Beat Code: EA44
 Caller: EA05 6101 HOLDSTOCK CONSTABLE
 Classification: MISCELLANEOUS - REQUEST FOR ASSISTANCE
 Response: IMMEDIATE
 Result: NO FURTHER POLICE ACTION
 Closing Type L2: SUS CIRCUMSTANCE/INSEC PREM/VEH
 Closing Type L3: NO QUALIFIER
 Brief Details:
 MALE MAKING OFF

| Force ID: | Res Type: | RD: | AS: | LS: | RC: | AI: | DW: | CI: |
|--------------|-----------|-------|-------|-------|-------|-------|-------|-----|
| <u>1009</u> | EQ | | 03:13 | 04:20 | | | | |
| <u>1843</u> | AP | | | | | 03:37 | 06:38 | |
| <u>1843</u> | AP | | 03:26 | 03:37 | | | | |
| <u>2180</u> | YQ | 03:15 | 03:16 | 04:20 | | | | |
| <u>2330</u> | AP | | 03:11 | 03:44 | | | | |
| <u>2527</u> | AP | | | | | 03:37 | 06:38 | |
| <u>2527</u> | AP | | 03:26 | 03:37 | | | | |
| <u>3029</u> | YQ | 03:15 | 03:16 | 04:20 | | | | |
| <u>4587</u> | SR | 03:15 | 03:16 | 04:20 | | | | |
| <u>4776</u> | AP | 03:12 | | | 04:20 | | | |
| <u>596</u> | YQ | 03:15 | 03:16 | 04:20 | | | | |
| <u>6101</u> | AP | | 03:11 | 03:44 | | | | |
| <u>N8237</u> | AP | 03:12 | | | 04:20 | | | |

Details from incident log:

| | | | |
|-------|------------|-------|--|
| 03:11 | 16/02/2020 | C3108 | EA05 MAKING OFF -> OXFORD ROAD RED JACKET |
| 03:11 | 16/02/2020 | C4333 | EA05 - MALE MAKING OFF OXFORD RD RED JACKET |
| 03:12 | 16/02/2020 | C3108 | EAS75- ALL OF NIGHT TURN MAKING |
| 03:12 | 16/02/2020 | C4652 | EAS75 - LOTS OF UNITS MAKING |
| 03:12 | 16/02/2020 | C3108 | EA05- MALE 09 IN CUFFS |
| 03:13 | 16/02/2020 | C4333 | EA05 - THINK I'VE GOT AN AGGD |
| 03:15 | 16/02/2020 | C4333 | ET SAME CROWD BY THE CHICKEN SHOP |
| 03:17 | 16/02/2020 | C4333 | EAS75 - GOT NUMEROUS PEOPLE GENERAL DISORDER NOT SEEN |
| 03:17 | 16/02/2020 | C4333 | ANY OFFENCES JUST TRYING TO HAVE A PRESNTS |
| 03:22 | 16/02/2020 | C4333 | EA05 - HAVE ALREADY SPOKEN TO THE MATCHED LOG NOT |
| 03:22 | 16/02/2020 | C4333 | CONFIRMED THAT IT WAS A KNIFE |
| 03:22 | 16/02/2020 | C4652 | ST16 - DONE |
| 03:23 | 16/02/2020 | C4333 | . |
| 03:23 | 16/02/2020 | C4333 | ET - STARTED AS A LARGE FIGHT CAN'T SEE THE MALE IN THE |
| 03:23 | 16/02/2020 | C4333 | RED JACKET |
| 03:23 | 16/02/2020 | C4333 | ET- DID SEE A NUMBER RUNNING AWAY |
| 03:27 | 16/02/2020 | C3108 | From : ST18 |
| 03:27 | 16/02/2020 | C3108 | EA105- MALE IN BLACK PUFFA JACKET WITH HAND IN HIS |
| 03:27 | 16/02/2020 | C3108 | WAISTBAND... |
| 03:27 | 16/02/2020 | C4333 | EA105 - MALE IN CUFFS READY FOR SEARCH |
| 03:28 | 16/02/2020 | C4333 | EA105 - ONE MALE IN CUFFS |
| 03:28 | 16/02/2020 | C4333 | EA135 - 3 IN CUFFS AIO ATT |
| 03:28 | 16/02/2020 | C3108 | From : ST18 |
| 03:28 | 16/02/2020 | C3108 | EQ307- 3 MALES DETAINED FOR SEARCHES FOLLOWING INTEL REF |
| 03:28 | 16/02/2020 | C3108 | POSSESSION OF A KNIFE. AIO ATT |
| 03:33 | 16/02/2020 | C4333 | EA105 |
| 03:36 | 16/02/2020 | C3108 | From : ST18 |
| 03:36 | 16/02/2020 | C3108 | WARNINGS ON NICHE FOR ASTHMATIC. PREV ARRESTS FOR SEXUAL |
| 03:36 | 16/02/2020 | C3108 | ASSAULTS/AWOI/DANDD/DRUGS |

| | | | |
|-------|------------|-------|---|
| 03:37 | 16/02/2020 | C4333 | EA105 - UNITS RESUMING |
| 06:17 | 16/02/2020 | C4333 | EAS75 - NO OFFENCES PLEASE CLOSE **** NO TEXT IN CLOSED LOG **** |

Index-Premier and Iguana

Documents

- 1 Map of Area
- 2 Statement of M Saleem
- 10 Statement of K Saleem
- 33 Correspondence re CCTV
- 34 Email re CCTV Time
- 35 Email re Fire Safety
- 36 Certificates of Training
- 44 Supporting Submissions

CCTV Footage

- Clip1- Male enters with a glass
- Clip2- Doorman requests male to remove the glass
- Clip3- Male empties glass almost splashing 3 males
- Clip4- Male safely re-enters shop
- Clip5- Security disperse of vicinity



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 | LP2001343 |
|--------------------------------|------------------|

Premises Details

| | |
|--|--|
| Trading name of Premises and Address | |
| Bar Iguana/Premier 11 St Marys Butts Reading Berkshire RG1 2LN | |
| Telephone Number | |

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

Licensable Activities

| |
|---|
| Licensable Activities authorised by the Licence |
| Exhibition of Films - Indoor Performance of Live Music - Indoor Playing of Recorded Music - Indoor Performance of Dance - Indoor Anything similar to Live Music, Recorded Music & Performance of Dance - Indoor Late Night Refreshment - Indoor & Outdoor Sale of Alcohol by Retail - On & Off the Premises |

Authorised Hours for Licensable Activities

| | |
|---|----------------------------|
| The times the licence authorises the carrying out of licensable activities | |
| Hours for the Exhibition of Films | |
| Monday | from 1000hrs until 0200hrs |
| Tuesday | from 1000hrs until 0200hrs |
| Wednesday | from 1000hrs until 0200hrs |
| Thursday | from 1000hrs until 0200hrs |
| Friday | from 1000hrs until 0200hrs |
| Saturday | from 1000hrs until 0200hrs |
| Sunday | from 1000hrs until 0200hrs |
| Seasonal Variations | |

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 1000hrs until 1000hrs the following day.

Hours for the Performance of Live Music

| | |
|-----------|----------------------------|
| Monday | from 1000hrs until 0200hrs |
| Tuesday | from 1000hrs until 0200hrs |
| Wednesday | from 1000hrs until 0200hrs |
| Thursday | from 1000hrs until 0200hrs |
| Friday | from 1000hrs until 0300hrs |
| Saturday | from 1000hrs until 0300hrs |
| Sunday | from 1000hrs until 0200hrs |

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 1000hrs until 1000hrs the following day.

Hours for the Playing of Recorded Music

| | |
|-----------|----------------------------|
| Monday | from 1000hrs until 0200hrs |
| Tuesday | from 1000hrs until 0200hrs |
| Wednesday | from 1000hrs until 0200hrs |
| Thursday | from 1000hrs until 0200hrs |
| Friday | from 1000hrs until 0300hrs |
| Saturday | from 1000hrs until 0300hrs |
| Sunday | from 1000hrs until 0200hrs |

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for the Performance of Dance

| | |
|-----------|----------------------------|
| Monday | from 1000hrs until 0200hrs |
| Tuesday | from 1000hrs until 0200hrs |
| Wednesday | from 1000hrs until 0200hrs |
| Thursday | from 1000hrs until 0200hrs |
| Friday | from 1000hrs until 0300hrs |
| Saturday | from 1000hrs until 0300hrs |
| Sunday | from 1000hrs until 0200hrs |

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for anything similar to Live Music, Recorded Music & Performance of Dance

Monday from 1000hrs until 0200hrs
Tuesday from 1000hrs until 0200hrs
Wednesday from 1000hrs until 0200hrs
Thursday from 1000hrs until 0200hrs
Friday from 1000hrs until 0300hrs
Saturday from 1000hrs until 0300hrs
Sunday from 1000hrs until 0200hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for the Provision of Late Night Refreshment

Monday from 2300hrs until 0200hrs
Tuesday from 2300hrs until 0200hrs
Wednesday from 2300hrs until 0200hrs
Thursday from 2300hrs until 0200hrs
Friday from 2300hrs until 0300hrs
Saturday from 2300hrs until 0300hrs
Sunday from 2300hrs until 0200hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0400hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Hours for the Sale by Retail of Alcohol

Monday from 0700hrs until 0630hrs
Tuesday from 0700hrs until 0630hrs
Wednesday from 0700hrs until 0630hrs
Thursday from 0700hrs until 0630hrs
Friday from 0700hrs until 0630hrs
Saturday from 0700hrs until 0630hrs
Sunday from 0700hrs until 0630hrs

The First floor bar: Sunday to Thursday from 1000hrs until 0200hrs

Friday and Saturday from 1000hrs until 0300hrs

The Off Licence: Monday to Sunday from 0700hrs until 0200hrs

Delivery Service: Monday to Sunday from 0700hrs until 0630hrs

Seasonal Variations

Christmas Eve and Sundays preceding Bank Holiday Mondays from 1000hrs until 0200hrs.

New Years Eve from 0700hrs until 1000hrs the following day.

Opening Hours

Hours the Premises is Open to the Public

Monday from 0700hrs until 0700hrs
Tuesday from 0700hrs until 0700hrs
Wednesday from 0700hrs until 0700hrs
Thursday from 0700hrs until 0700hrs
Friday from 0700hrs until 0700hrs
Saturday from 0700hrs until 0700hrs
Sunday from 0700hrs until 0700hrs

The First floor bar: Sunday to Thursday from 1000hrs until 0300hrs
Friday and Saturday from 1000hrs until 0400hrs

The Off Licence: Monday to Sunday from 0700hrs until 0700hrs

Delivery Service: Monday to Sunday from 0700hrs until 0630hrs

The Bar:

Christmas Eve, New Years Eve and Sundays preceding Bank Holiday Mondays from 0700hrs until 0430hrs

Alcohol

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

Sale of Alcohol by Retail - On & Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Mr Mohammed Saleem

Address:

Additional Details

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

Name: Mr Kamal Ahmed Saleem

Address:

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: PL 0607

Issuing Authority: Wokingham Borough Council

Classification: OFFICIAL

This Licence shall continue in force from **19/01/2013** unless previously suspended or revoked.

Dated: 21 January 2013

Head of Environment & Consumer Services

Annex 1

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 drinks promotions.

On licence premises only (commencement date 6/4/2010)

- 1 The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

Responsible drinking On and Off Sales

(Commencement date 6 April 2010)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Supply of tap water

On licence premises only (commencement date 6/4/2010)

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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.

Drink Measurements (commencement 1st October 2010)

1. The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall 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: half a pint
- ii) gin, rum, vodka or whisky: 25ml or 35ml and
- iii) still wine in a glass: 125 ml and

b) customers are made aware of the availability of these measures

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
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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| Licensing Act 1964 |
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| s.59, 60, 63, 67A, 68, 70, 74, 76 |
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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

- (b) consumption of the alcohol on the premises;
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.

S.168, 168A, 171, 201, Sch 12A LA

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

1. A recognised proof of age scheme and/or photo driving licence shall be operated within the premises in order to ensure alcohol is not sold to persons under the age of 18, save for the proviso if served to 16 to 18 year olds with a table meal. All staff shall be effectively trained in the use of the age system.
2. A 30 minute fire resisting, self closing door set with smoke seals shall be installed and maintained between the ground floor restaurant and the staircase to the first floor in accordance with the fire services requirements.
3. The first floor bar and bar areas shall be laid out in accordance with plan - L.A lample sheet no. 100-05 Pl-06 Rev.-00
4. The premises must have installed a comprehensive CCTV system, in accordance with the Association of Chief Police Officers, standard to specification approved by the Crime Reduction Advisor of the Thames Valley Police. The CCTV system shall be effectively maintained and ensures all areas of the licensed premises are monitored on both floors, including all entry and exit points, and which enables frontal identification of every person entering in any light condition to the off licence and upstairs bar area.
All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the proceeding 2 days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. A sign advising customers that they are on CCTV shall be positioned in a prominent position. Staff shall trained how to retrieve the information.
5. The Designated Premises Supervisor shall be an active member of Reading Pub Watch.
6. All windows and doors on the first floor shall be kept shut during performances of live music and signs shall be posted by exits requesting patrons to leave the premises quietly.
7. No tables or chairs shall be used externally by the premises for customers.
8. The external area designated as a smoking area for customers of the upstairs bar area shall be clearly marked by barriers and regularly supervised. Alcohol will not be consumed in this area.
9. All deliveries of alcohol after 2300hrs shall be dispatched via the service corridor to the rear of the premise in the basement.
10. Alcohol deliveries shall only be made by residential or business addresses and will not be made to public spaces.

11. Delivery of alcohol can only be made by persons over the age of 18 years. All members of staff engaged with delivery of products shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25, and/or intoxication will be recorded and available to Thames Valley Police or Reading Borough Council on request.

12. All staff engaged with alcohol sales shall seek credible photographic proof of age evidence from any person who appears under the age of 25 years. All refusals both in the off licence or upstairs bar area for under age intoxication will be recorded and available to Thames Valley Police or Reading Borough Council on request.

13. All staff will be trained in relation to under age sales and licensing law including preventing sales to intoxicated persons. The training will be recorded and available to Thames Valley Police and Reading Borough Council on request.

14. The premises licence holder shall ensure staff are aware of the Local Alcohol Exclusion Zone and are trained in the social responsibilities of the sale by retail of alcohol. Training records shall be available to Thames Valley Police and Reading Borough Council on request.

15. In order to support the Local Alcohol Exclusion Zone initiative, prominent, clear notices shall be displayed at all exit points to advise customers that the area surrounding the premises is an Alcohol Exclusion Zone.

16. The supply of Alcohol Non Standard Timings do not apply to the Off Licence.

17. Persons under the age of 18 years are permitted in the upstairs bar area when accompanied by an adult until 2200hrs.

18. Only 100 persons can be permitted in the bar area on the first floor at any one time.

19. An area on the first floor shall be designated as a dance floor when dancing is taking place.

20. SIA registered door staff shall be employed on Friday and Saturday evenings and on other occasions deemed necessary.

21. The delivery aspect will adopt the procedures of the 'Gulshan Principles' attached to prevent sales or deliveries to persons under the age of eighteen.

The Gulshan Principles state the following:

1. A 'Refusal' log shall be implemented, maintained and monitored in respect of persons that have been refused alcohol by staff. The log will be available for inspection on request by Thames Valley Police and Reading Borough Council.

2. Delivery of alcohol can only be made by a member of staff over the age of eighteen. The delivery staff must be fully trained in licensing law and the social responsibilities of the retail of alcohol. The training will be RECORDED and

Classification: OFFICIAL

specific to the role of delivery staff. The records will be available for inspection to Thames Valley Police and Reading Borough Council

3. For delivery orders, alcohol sales can only be made to persons ordering a substantial main meal.

4. (For delivery orders) Customers will be told, on ordering alcohol with food that photographic proof of age is a requirement. On receipt of the alcohol ID will be required to be shown by persons appearing to be under the age of 25.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

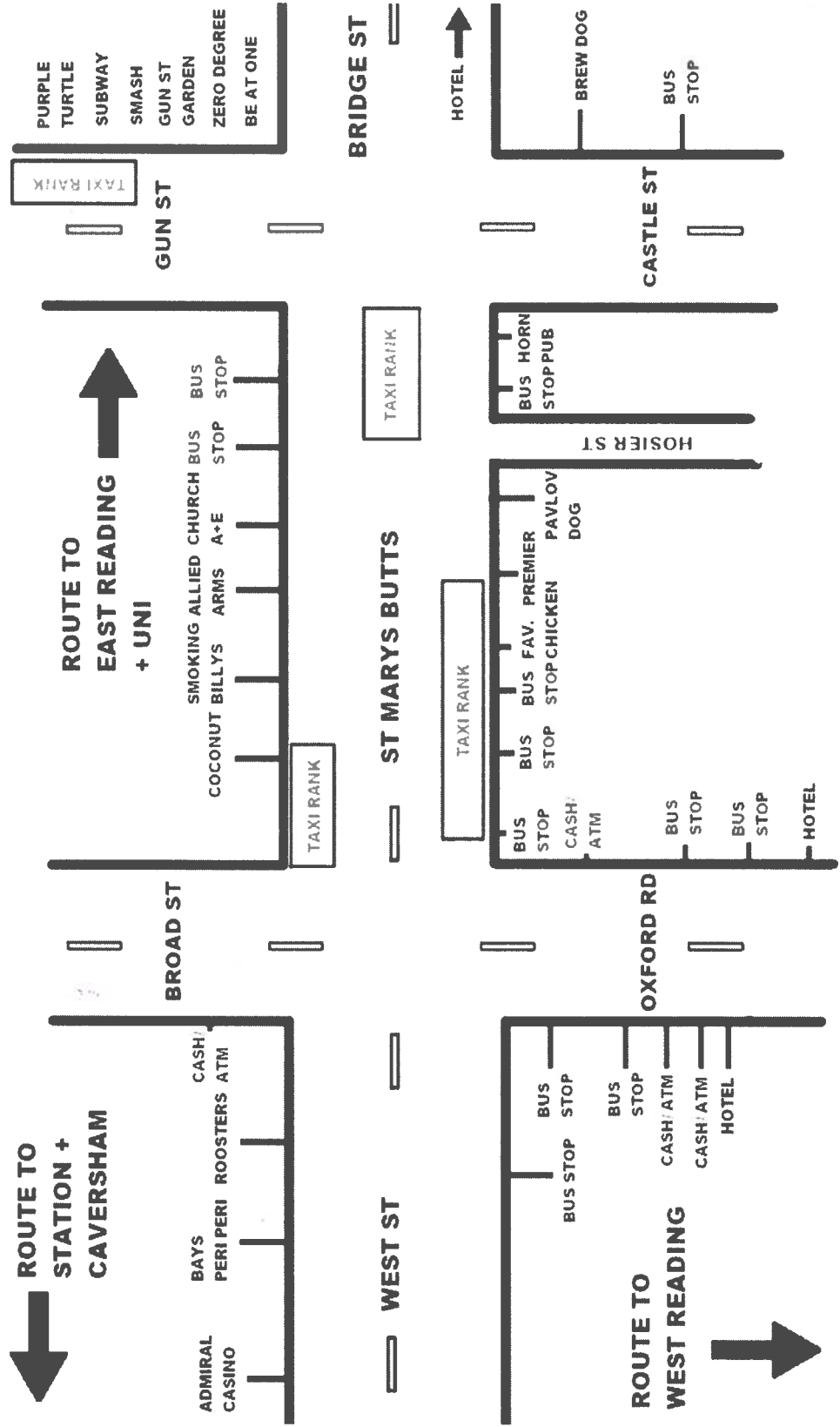
As attached plan no.

First Floor: LA Lample sheet no. 100-05 Pl-06 Rev - 00
Plan Date January 2006

ST MARYS BUTTS

11PM - 5AM

- ALL WITHIN CLOSE PROXIMITY
- 14 DRINKING ESTABLISHMENTS
- 4 LATE NIGHT REFRESHMENTS
- 12 ALL NIGHT BUS STOPS
- 4 TAXI RANKS
- 4 CASH/ATMS
- 3 HOTELS
- 1 CHURCH A+E



STATEMENT OF MOHAMMED SALEEM

My name is Mohammed Saleem, I am the son of a British soldier who fought in the second world war, and later served as a firefighter for twenty-five years saving many lives.

I myself carried on serving humanity with a lifetime of community work supporting the vulnerable, guiding the youth and providing a voice and platform for women and children.

I have been honoured to receive numerous achievement awards for my work with the community of Reading and interfaith, bringing people of every background, faith, and race together.

In 2007 I had the opportunity to take over Cafe Iguana (vegetarian restaurant) along with Bar Iguana. The premises was closed at the time as the former owner had gone into bankruptcy, with the rent being behind by £33,000. The landlord offered, that if I can pay the £33,000, I could take over, so I remortgaged my home to reopen the premises. I tried to run it for a year however it did not work out.

Then in 2008 I decided to sell the business but no buyer came forward, so as I had signed into a lease for 10 years and could not come out of the agreement. I opted to remortgage my home once more for £90,000 to refurbish the ground floor and convert it into Premier stores. With regards to Bar Iguana, I knew the bar had been there for as long as I can remember and having had the benefit of running a chicken shop next door I was very aware that Bar Iguana's clientele are very peaceful, anti hate, anti crime, predominantly vegan people.

While work was being carried out at Premier stores we initially closed Bar Iguana for 6-8 weeks, during that period I was taken back by the number of people who were so emotionally invested in the bar, all requesting me to reopen it, explaining that to them it is an alternative bar, a one of a kind, which is more than just a bar, it is a cultural/community hub. Bar Iguana's clientele exclusively use Bar Iguana, and I consider them to be **night-owls** who wouldn't start the day until much later than a lot of people, they will not use any other

bar in Reading. My plea to the committee would be to decide against reducing the hours, currently Bar Iguana is only open **10 hours a week** (Fri & Sat 10pm-3am) which barely meets the needs of entertainment for their community. Bar Iguana has no history of violence that I recall, in my time I do not believe Police have ever entered the premises requesting CCTV for any incident relating to violence.

Bar Iguana is run by Terry Holder, Terry has been involved with Bar Iguana for 25 years, now approaching his sixties, He has plans to retire at the end of the year. Terry is probably one of the last ones left from the old school generation of the 1980s. We are a small family run business, Terry is the only member of staff who is not related by blood, however I consider him a brother, and my children refer to him as Uncle. I spoke to Terry about his meeting with licensing officers, He explained that in his 25 years at Iguana it was the first time that he had ever been questioned by TVP. He told me that he didn't want to say anything wrong, rather taking a "no comment" approach. We later explained to him that you are not under investigation, and that it was simply a licensing inspection.

Terry has continuously received training from Kamal alongside my wife, daughters and son in law, however when I questioned him on why he didn't mention this when asked, he said he was under the impression that training meant that he had to go to a college for a day, where he would do a course and get a certificate at the end of it, when I said to him that Kamal has trained you all so many times. He said he thought Kamal was just giving us a briefing. I can assure the committee that Terry is well aware of his job and the responsibilities it entails.

More recently, to make sure that he is familiar with the law and his responsibilities, he has done a training course along with all staff at Premier/Iguana which they all passed and was given certificates. The course covered: licensable activities, 4 licensing objectives, challenge 25, accepted proof of age ID, refusal logs etc. Taking Terrys age into consideration, Kamal has decided to increase Terry's training until he steps down. At this point I would like to **proudly** mention that we have **never once** sold alcohol out of hours in Bar Iguana, and apart from 1 single isolated incident many years ago (when a 17 year old happened to look 25) we have **never** sold alcohol to

anyone underage.

Moving on to Premier stores, since we opened in 2008 we have enjoyed so much love and respect from the people of Reading, proudly we have **never** had a single incident of violence inside the premises, I feel this to be a sign of just how much respect the premises enjoys. In today's world without doubt there is a **need** for 24/7 shops, especially in central Reading, throughout the week many people stay at one of the three nearby hotels while on work related purposes, and another hotel is in the pipeline, without forgetting all the residential flats/apartments now in central Reading, in modern times people work round the clock, one mans lunchtime is another mans bedtime.

Throughout the day and night people frequent our shop for the essentials ie bread, milk, eggs, medicines etc, while we only serve alcohol until 2am at Premier, we remain open serving the community other essentials throughout the night. Local people who we see on a daily/weekly basis are not a problem. I would like to highlight that my customers should be differentiated from that of a night clubs, as people are likely to spend four to five hours in a club drinking, whereas they will be in and out of our shop within a **minute**. It is the public's chosen clubs, bars, and venues that attract them into the town. At this point I would like to **proudly** mention that we have **never once** sold alcohol out of hours in our 12 year history in Premier, Nor have we **ever** sold anyone underage any alcohol/tobacco products, passing every test purchase over the years.

As far as outside is concerned, it is the collective responsibility of all premises, police officers, taxi marshall's, door supervisor's, street pastor's, taxi driver's, buses, and members of the public.

One thing I would like to highlight is that 2 premises in particular in Gun Street have a combined capacity of approximately **1,700** people, **both** these premises close within **30 minutes** of each other, keeping in mind that Gun Street has space for around 8 Hackney Carriages, these 8 are gone in **seconds**, leaving a vast majority of people with no option but to make their way to St Marys Butt's in order to find a Bus or Taxi, this is not helped by the fact that Private Hires are unable to stop on Gun Street, so they **also** advise bookings to be collected from St Mary's Butts, and our end of the road happens to be the only

end which is **well lit**, there is a large bulk of people who opt for private hire as a means of returning home.

Reading Town Centre often faces problem when certain clubs or bars have a special event using external promoters who advertise these events to out of towners, i.e. Birmingham, Bristol and Brixton playing the Urban music Genre. Thames Valley Police are aware of that. With having decades of experience in the late-night economy I am in one of a best positions to highlight the town's issues and this use of external promotion is the biggest.

If anyone breaks the law because of their level of intoxication it is because of the venues they have been drinking at. I am responsible for my premises, I am **not** responsible for the customers of other premises behaviour on the way home. All the venues, cash machines, bus stops and taxi ranks contribute to bringing people into the vicinity of St Mary's Butts.

There are approximately **fourteen** drinking establishments, **four** late-night refreshments, **twelve** bus stops, **four** taxi ranks, **three** hotels, **four** cash ATMs, an **A&E**, and **private hires** all operating between 11pm-5am in town, at the end of the night there is a busy period, the Police seem to have the misconception that some form of magical wand can be used and people will disappear, they need to understand that it will take a period of time for town to empty.

There are many reasons for people to be in the area. Outside all of the night clubs, you will find very narrow footpaths, people will opt to walk on our side of the road, in an open area of land which is occupied by market traders during the day. It would be very wrong indeed to **assume** that everyone walking past my shop or standing outside it in the evening is a customer, or is attracted there just because we are open.

Also people have been using that space late night to park their cars on a Friday and Saturday nights. As a result, people will move closer to our vicinity. My son Kamal Saleem who manages the business has raised this concern with the Police, who have stated it is not a police issue but a council issue. They claim they are unable to do anything, I raised my concern that by having cars parked

there it crams people together, leading people to bump into one another, which can then instigate an incident, therefore jeopardizing public safety.

I can proudly say that on my premises and on our forecourt, we fully take care of our customers and have redoubled our efforts, that's why the last five years were much better than any previous period. I am surprised that I am up for a review and I feel that I am treated unfairly. It is felt to be a personal attack on my businesses.

The month of December, Christmas and the New Year period ran very smoothly without any incidents and those historically are the busiest periods, with many Christmas work do's and parties throughout the month. Throughout the rest of the year some weekends are very quiet but at the end of the month, weekends can get busy, especially if one of the nearby bars/clubs have a special event on.

The CCTV produced, in this case, makes the town look ugly, but that is not the case. A lot has changed since 2011/12. The majority of the time people are having a wonderful time enjoying themselves and returning home without any problems. The CCTV is only a small snapshot of what is otherwise a safe place for customers, and a bulk of the CCTV is very old, no longer relevant to modern times.

Just to give you an idea, a survey was taken last year approximately 20,000 people visited Reading Town Centre over the weekend (Friday and Saturday night). A very small percentage of people will visit the shop over the weekend.

In my shop's review, approximately 19 videos have been produced from 2011 till 2020. Out of these 19 videos, 9 videos are very old, between the periods of 2011 to 2012, and I can see no link to Premier or Iguana in almost all them.

To give a background of 2012, I won my community elections in January 2012 and some people from the opposition party who lost the elections actually paid criminal elements to instigate that violence to damage my business. It took me some time to figure out the problem but when the issue was clear to me then I used my community influence to stop that evil act. Sadly in 3rd World countries this type of behaviour is common. I never lost any election in the last 20 years and that brings me problems from some community

elements.

Out of the 10 remaining videos over the period of 7 years, the police themselves mention that 2 videos have nothing to do with us.

One video relates to 1st of December 2019, which started at the bus stop, then moves into the road, and over to pizza express and on to the graveyard, which is clearly nothing to do with our shop. Infact amongst the CCTV a number of incidents take place hundreds of yards away, the cameras dont do justice of exactly how far away these incidents are taking place, please bare in mind that my shop is set back far from the road (outside we have our forecourt/vicinity, then the bike rack, then comes the public footpath, then comes the land that is used my market traders during the day, before we reach the road) We are unable to police the bus stop or the nearby taxi rank or the public realms as they are outside of our control, although we would like to.

Another incident relates to the 8th December, this incident also takes place far from our premises, starting in the road and moving on to Hosier street, A man known as [REDACTED] is involved in this incident, he is banned from our premises, as well as others, he is due in court in March for an incident where for no apparent reason he punched an innocent customer in my nearby Chicken Shop, along with making numerous threats to my son, staff and premises as a whole over an extended period, Him and his gang are a threat to public safety.

Then on the 21st December an officer used a Taser which was unnecessary in everyone's opinion. The officer clearly tells a person standing on the street to move on and in response to the question 'Why ?' is "Because I told you to". This bullish behaviour is then repeated and escalates because of the police involvement to the point of the Taser being used. This incident happened early morning when the whole town was empty with only a few people left in the town.

Please note that only 2 incidents happened between 4am-5am over a period of 7 years. One incident in 2018 (related to Evas night club's security and their customer issue outside Sallys well away from us) and second incident of the Taser by the police in 2019. Both incidents have nothing to do with us. As you see that evidences suggest that late night 4am to 5am is not a problem at all.

The solution is not closing down places or reducing hours, a simple increase in Police presence 4 hours a week, on Friday and Saturday night between 2-4am will be sufficient. I feel as if my business has been used as a **scapegoat**. Sunday-Thursday nights Police are not to be seen in town centre.

One thing I'd like to clarify is that in both Premier and Bar Iguana as well as my Chicken Shop I have always been responsible for all things related to Fire Safety ie Fire Risk Assessment, gas safety certificate, 5 year hard wire certificate, fire panel service, emergency lighting tests, extractor fan servicing etc. I can confirm that Broad Street Mall management have copies of all these documents in the office as do we in the shop. Historically my point of contact with my landlords has been over the phone, they would usually write to me, followed by a call or a meeting, in which we resolve any matters arising. This has been the case over my 2 decades with them, At this point I would like to highlight, Broad Street Mall management have surprisingly handed Police copies of some standard annual emails, which have been dealt with, but without **confirming** that they have been dealt with.

I feel TVP need to acknowledge that this is town centre, on weekends it **will** be busy, and people **will** be out. TVP claim that if we closed early the area would be trouble free, I strongly disagree with this, On one Saturday night in the month of February we closed at 3am due to a staff shortage. However there was 2 incidents both at the Taxi Rank and in the road between 4-5am which TVP and Ambulance crews attended. I have no doubt, that had we have been open at the time, TVP would have pointed the finger of blame at us...

I would also like to mention that we often take care of vulnerable people, providing a shelter for them until their taxi or lift arrives and they can go home safely.

My humble plea to the committee:

I can reassure you, I am an honourable man, and we are a responsible family, over the last 12 years we have run the business very honestly. For the benefit of local authorities I have put a folder containing all documents relating to licensing in **both** businesses. Please remember we have never abused our

privilege of having a license to sell alcohol, **never** selling out of hours or to underage, and we have **never** had any violent incident inside either business since we opened 12 years ago. Please dont reduce our hours, and please dont split our license. There are several similar premises I know of which have a similar license, the 1st floor bar is a very small operation, open just **10 hours a week**, if given the opportunity I will prove that splitting the license is not needed.

We are willing to accept additional conditions on our licence to make things clearer, as we recognise that some conditions are not as good as they could be. We also agree to conditions being added to reflect what we do in practice. However, we do not agree to the reduction in hours and believe that this is unwarranted, and we do not agree with the two businesses having two seperate licenses, the bar is extremely small, averaging just 30-45 customers throughout a night, open just 10 hours a week on the first floor, While having a shop open in the centre of Reading that trades after bars close is fundamentally important to mitigating the effects of those bars and maintinaing a vibrant town centre economy. By having the shop open later, we actually assist in meeting the licensing objectives by both providing essentials and also maintaining a CCTV system and security that would not otherwise be present.

Statement of Truth

I believe that the facts stated in this statement are true to the best of my knowledge and belief.

MOHAMMED SALEEM

STATEMENT OF KAMAL SALEEM

Introduction

My name is Kamal Saleem. I was born in 1987 in Reading.

I am of mixed race, with a White British Mother and a Pakistani born Father. So as a result I feel well accustomed to both cultures and traditions. Proudly my grandparents from both sides fought in World wars for this great nation.

I come from a caring, close knit family, I have a loving wife and 2 children. I am proud to be from Reading. I love this town. My Father has dedicated his life to serving the community of Reading. He was Chairman of our local Community Centre, and years later I have followed in his footsteps as proudly in 2016 I was elected as the youngest Chairman in history at the age of 29 receiving 1,100 votes.

As a result of this I have helped to organise many functions/events, be it Multi faith or sports days such as: Annual Christmas lunch, Independence Day celebrations etc. It's my passion to work with the youth who come from troubled backgrounds. I have set up weekly boxing classes, in an effort to move them away from a life of drugs and crime.

Sadly in December 2019 we lost our Grandmother at the age of 99. She was very much so the foundation of our family. Loved by all, between June-December she was in critical condition and we were looking after her at home. So Myself & My Father spent a little less time at the business, but since 10th December we are back on a full time basis as usual.

In my working life, I have helped to run our family business for the last 15 years. As over time my Father has taken a step back and I have slowly taken on more responsibilities. I have worked the night shift throughout that period. And even on my day off I come in to oversee things. So I have had the benefit of overlooking the hours of 11pm-5am for approx 5,500 nights . So I feel I am in a good position to give my opinion on any issues that may arise.

Some of the benefits of having a late night shop open in Reading town centre is that when the clubs or pubs close, town can become very isolated. Almost like a ghost town. It is at that time when some of the most vulnerable people for various reasons will come to our shop, either for rescue or shelter. Just an example of a couple of incidents are:

In 2014 I was outside my shop in the very early morning, town was empty, I heard a muffled scream coming from the side of the graveyard in St Mary's Butts, I approached with caution to find a man on top of a woman on the floor, I shouted to warn him off, a tall man ran towards

John Lewis. I requested the woman who was crying, and partially dressed, to come to the shop. Where we gave her some water and tissues, she then called her father who came to collect her. She was a student. Her father thanked me by offering me a blank cheque for saving his "baby". I said thank you but this is something I would do for anyone.

In autumn 2019, a woman was about to commit suicide by jumping off Broad Street Mall car park, I stopped and spoke to the woman for 25 mins before persuading her to come back off the ledge, at which point I called the police. NCP car park attendants requested me to take the story to the media. Once again, I said this is something I would do for anyone.

For some reason, TVP fail to acknowledge the good work we do.

I have a degree in business, I am a personal license holder, I have a level 3 award in food safety management, I have a level 2 door supervisor award including physical intervention, I also have a health & safety certificate. On top of this I have done an NTE (night time economy) course and an APLH award with examining body Highfield just as refresher training. I have a wonderful relationship with all my customers, almost all of them know me on a first name basis. Premier stores is loved and respected amongst the night time trade.

Business overview

To provide an overview, we are a small family run business, it is our means of earning a living. I myself am the DPS at the premises, Premier stores is cherished by the people of Reading, often referred to as a "**life saver**". There is now more people living in and around central Reading than ever before, in today's world a huge bulk of those people work around the clock, with shift work or overtime etc, so without question there is a **need** for a shop that is open all hours, because 4am is another persons lughtime and there is never a time when essentials are not **essential**. Often in the early hours we would see people stop by to pick up milk, bread etc. We do sell alcohol until 2am, and it goes without saying, when modern times see drastic differences in peoples body clocks, there is also a **need** of the public to sell alcohol until 2am, if not **later**. Often after watching a late night movie at the cinema, a couple would come to Premier to pick up a bottle of wine before catching a taxi home, this is a daily occurrence for us. Throughout the night Premier is used by all emergency services, street pastor's, taxi marshall's, taxi driver's, door supervisor's, vulnerable people etc. It is so much more than simply a shop. It truly is the "**life saver**" of central Reading.

As far as Bar Iguana is concerned, simply put, there is no bar like it in Reading. Due to its **historical** link to Cafe Iguana (vegetarian restaurant) the first floor bar enjoys its very own select group of people as clientele. Bar Iguana **symbolises** anti-hate and anti-violence. The manager Terry told me recently that in the bars 25 year history, there has never been a **single** violent incident occur inside the premises, and when I think back over the 15 years I have been around,

and more importantly the 5 years I have been the DPS...I certainly cannot recall any violent incident taking place! How many bars can make that claim? Bar Iguana is probably the last independant run bar left in central Reading, an **alternative** bar, with its own culture and tradition. The customers of this bar are the most loyal i've come across, they **exclusively** use Bar Iguana, you wont see them at any other bar in Reading, and I truly believe that. When I told some of the regulars that we had been taken for review, and explained some of the possible outcomes, they became very emotional. Never have I seen customers as **passionate** as Bar Iguana's. To be honest, genuinely I have an underlining respect for them and their **culture**. I feel licensing authorities need to recognise and aknowledge this.

On the 10th December a meeting went ahead with Declan Smyth & Jean Champeau next door at Favourite Chicken, after incidents took place on the 1st & 8th of December, both incidents took place away from our premises and vicinity, I reassured Declan that as it was the lead upto christmas I had already put steps in place to tackle any issues that may arise by employing extra security, at that meeting Declan also explained that TVP would have a bigger Police presence in town leading up to New Years. I then expressed my deep concern about venues holding urban events using external promotors, playing music of the (drill, trap, hip hop, rap & RnB genres) a reoccurring problem for our town which I have made multiple pleas to TVP about, going back several years. Including giving a statement to TVP when EVA'S license was taken for review. Sadly my pleas seem to have fallen on deaf ears, as still urban events with the use of external promotors are taking place.

I am always happy to work with local authorities and proudly with our joint efforts I am pleased to say our premises didn't have a single incident occur all throughout the Christmas and New Year period, which is historically a very busy time. I was astonished when we learned that Premier/Iguana was being taken for review.

On 19th December PC Jones requested footage of 1st/8th/14th December for Premier, I had issues burning these off as the USB reader would not detect the stick, so I called our engineer to meet us while officers were present inorder for him to extract the footage for them, however he needed to take the DVR to his workshop. In PC Wheelers body warn footage you can see me expressing my concern, and doing everything within my power to ensure officers got the footage they required. We also see our engineer guarantee that officers will get the footage they need. Subsequently CCTV was provided for 1st/8th & 14th (Premier stores). On the same day our engineer explained to PC Wheeler that the CCTV footage is more than an hour out of sync in the Premier shop, and the engineer corrected the time, having CCTV out of sync is quite common following daylight saving time changes in the UK. (Note, TVP have produced several snippets of footage that is out of sync) so it can happen. As of now, I can confirm that CCTV is displaying the correct time. On the 27th December I met with PC Wheeler, where I gave him

the USB stick containing footage from 1st/8th/14th (Premier) and I then reminded him to bare in mind that Premiers CCTV footage will be more than an hour out of sync. PC Wheeler responded by telling me not to worry.

Following an inspection on the 23rd/24th December, PC Wheeler issued us with a closure notice, I called PC Wheeler to clarify a couple of things, he explained that if we did not meet our legal requirements then it would likely be taken further, he advised me that 7 days is a reasonable time to put things in place. I can confirm that I made all the necessary improvements within **24 hours**, however PC Wheeler went back on his word and took things further regardless. I contacted PC Wheeler several times over the following days to come and inspect Premier/Iguana so he could see that everything was now in place and sign off the closure notice, however when he came and inspected on the 27th, and I went through everything with him, including showing him training records for Terry, he said he could not sign off the closure notice as he had to leave. Then in this review PC Wheeler claims he hasn't seen evidence of Terry's training. On the 16th of January Declan Smyth, and RBC licensing officer Robert Smalley visited our premises for another licensing inspection, I went through everything with them. The inspection went very well, Robert provided a couple of helpful tips, these included getting staff to sign off when I had trained them, and keeping a seperate refusal book and training book, as I was using 1 book (refusals in the front, and staff training at the back). Within **15 minutes** of the successful inspection ending, Declan Smyth handed us our review papers...

Note

At this time I would like to express how disheartened I have become, I am from the viewpoint that local authorities should be working **with** premises, that they should be there to provide support, help and guidance, to advise on the latest requirements, and explain what is **best practice**, however my experience had an "**out to get you**" feel to it from the start, at times I felt there is **nothing** I can do to satisfy them, I honestly disagree with their approach and **fear** for other family run, independent businesses. As its very evident that there is no acknowledgement of **proportionality** within the system. They look at a small family run bar, open 10 hours a week, on the first floor with 1 employee, the same way as a nightclub with a capacity of 1500, and they do so without taking risk factors into account.

Moving on, amongst the CCTV footage provided in the review papers for Favourite Chicken were three that are linked to 1 individual. One of these snippets of footage has also been provided in this review paper, which is dated 8/12/19.

These are dated as follows:

28/04/19 (Favourite Chicken review)

21/06/19 (Favourite Chicken review)

08/12/19

These 3 incidents all relate to the same individual who is known to the Police. It should be understood that there is a back story behind these 3 incidents and the images have to be interpreted accordingly. This individual has caused us a number of problems, made threats and is now banned from our premises.

I will provide you with a full breakdown along with our answers to the CCTV footage and Police Reports.

Over the last decade gradually we have seen a dramatic decrease in Police presence in town (esp in St Mary's Butts area) while Friar Street always seems to have a higher Police presence. Yet the Police claim that St Mary's Butts is number 1 for incidents in Town and Friar Street is 17th. If that was really the case, we are surprised that officers seem to spend more time in those areas. We would welcome more police on the street near our premises.

Response to police reports:

1. (8 years ago) 12/09/12-Confirmed from previous DPS, that they did have a CCTV malfunction, it was repaired and rectified.
2. (8 years ago) 14/09/12-I am not sure why Alistair would claim that we didnt have a smoking barrier, we did and it was kept in basement of Premier store at all times, and he was very aware of this.
3. (6 years ago) 16/5/14-Confirmed from previous DPS-door supervisor had forgotten to display his badge, the DPS reminded the door supervisor, Police inspected the badge and left satisfied.
4. (6 years ago) 29/6/14-Part B was displayed, Part A was kept downstairs as the shop is open 24/7 and the bar is only open 2 days a week. Bare in mind we are 1 premises so by displaying the license in Premier shop we did not breach any conditions. We are fully aware of our premises license and the conditions attached to it, however for the benefit of local authorities we have now displayed part B in **both** businesses and kept a copy of part A in **both** businesses. Seperating the license is not necessary as the first floor bar is a very small operation.
5. (6 years ago) 6/8/14-Confirmed from previous DPS, a male came into the bar, he genuinely looked 25 years old, and was served a drink, Police had been following him through town and

located him inside the bar.

6. (5 years ago) 22/2/15 01:30am-We dont recall any such incident relating to Bar Iguana customers.

7. (5 years ago) 28/2/15 03:10am-We believe this incident to be relating to EVA's. Bar Iguana was already closed, however Premier and Favourite Chicken voluntarily closed at the request of TVP.

8. (5 years ago) 28/2/15 03:30am-Same as above.

9.(5 years ago) 9/4/15 - 10/06/15-During a local authority joint operation, where by sniffer dogs were used to search the premises, my sister Sunya Saleem who has a phobia of dogs, didnt answer all the questions posed to her on the day as she could not think, since being attacked by a dog as a child she panics whenever she is around one, and authorities came with the dog behind a very narrow counter where she was standing, she wrote a statement regarding this. A meeting was set up with myself, Mohammed Saleem and our solicitor, the meeting went ahead and was productive.

10. (5 years ago) 22/07/15-Nobody threatened anyone with a belt.

11. (2 years ago) 28/4/18 & 29/4/18-These people could not have been customers of Iguana or Premier, as we actively discourage street drinking and we have always been aware of the alcohol exclusion zone, Furthermore these incidents are happening at 3:40am, but Bar Iguana closed at 3am and Premier stores stops selling alcohol at 2am, with regards to a lack of a smoking barrier, if my memory serves me right, the previous week we had our smoking barrier stolen, and was using cones with tape while waiting for our new barrier to be delivered.

12. (2 years ago) 30/4/18-For better coverage (to enable we get a face shot of persons entering bar Iguana) Declan Smyth requested we relocate an external camera, we did that immediately and also cleaned them, Declan came back to check, and was satisfied. Yet on 23/12/19, PC Wheeler issued a closure notice to Premier/Iguana stating that the camera was in the wrong position. I explained that Declan was the one who asked for the camera to be in this position to enable us to see faces of people entering. PC Wheeler disagreed and wanted a camera above the door, which once again we did. The perception that comes across at times is as if there is some form of power struggle going on between TVP licensing officers, especially when they make different demands. This is why we feel that the licence conditions should be precise.

13. (1 year ago) 20/7/18 and 24/12/19-My father has emailed Laurie (BSM management) reminding him of the meeting they had after the letter dated in July, in which they agreed that

everything was up to date. For the sake of clarity, historically my normal correspondence has always been via phone call. *email attached.

14. (1 year ago) 14/2/19 03:42am-After speaking to staff at Premier, one of the staff saw an incident taking place in front of the taxi rank outside metro bank, and called it in over the echo tango radio. It does not relate to Premier at all. I thought that it's helpful to have an extra pair of eyes in town at night with access to a townsafe radio, but I realise now from this review that if you use the radio to report a crime, it may be used against you in your review papers.

15. (1 year ago) 15/2/19 01:22am-Two thieves stole some items from the shop, police presence was requested as one of the males refused to return the stolen items.

16. (1 year ago) 4/3/19 3:50am-Bar Iguana radio may have been used to report an incident but the bar closes at 3am. Not related to Iguana/Premier.

17. (1 year ago) 20/07/19-These are standard reminder annual emails, BSM were addressed regarding this matter as I have stated previously.

18. (1 year ago) 17/11/19 22:50pm-Terry's friend was celebrating his 55th birthday, it was an invite only celebration. 1 male walked into the bar, but when he was explained that it was an invite only event, he refused to leave. Terry came outside to make a phone call to check to see how long before security arrived, door supervisor was due imminently, Terry did not call the police, the police happened to be nearby, while the male was leaving the door supervisor arrived.

19. (1 year ago) 8/12/19 04:00am-This incident relates to a man known to Police, I will provide a full breakdown of him and his gang's profile as they have caused numerous problems to this town, while making serious level threats to my safety. Not related to Premier/Iguana.

20. (1 year ago) 13/12/19 23:19pm-A lady came into the bar, she purchased a couple of drinks, she enjoyed the music, after some time, she used the toilet, the manager felt that it was in the best interest of the woman that he refuse any further sale of alcohol, and requested the door supervisor to escort the lady out. The lady refused help, at the bottom of the stairs she asks the door supervisor to take her bag, which he did, however on the last steps the lady fell causing injuries. Street pastors happened to be walking past at the time and called emergency services. The manager and door supervisor treat the lady along with street pastors, until emergency services takeover. TVP also attended and had doubts over the condition of the stairs, later we had a visit from EHO who were satisfied with the condition of the stairs stating it had a good sticky tread. EHO also mentions that this accident could have just as easily

happened at home, as for 25 years people have been going up and down the stairs on entering/exiting or simply going for a smoke, but this was the first case of someone falling.

Important please take note of the following:

21. 14/12/19 01:55-02:00am-TVP requested CCTV for 1st/8th and 14th December at Premier.

I emphasised the following a number of times, yet despite being told by **both** myself and our engineer that CCTV is more than 1 hour out of sync, despite the time of the CCTV being corrected the same day of his visit. PC Wheeler still put forward in the review that we was selling alcohol out of licensable hours between 03:00-03:05am. He knew that the actual time was 01:55-02:00am.

Thankfully, by chance DC HUGH BAILEY came during this period requesting CCTV for the incident that took place across the road on the 8th December, in doing so he took note that the CCTV was indeed more than 1 hour out of sync.

I was able to reach out to DC HUGH BAILEY and he confirmed in writing that our CCTV was out of sync. *Email attached

Along with a written statement from our engineer *Also attached

Please note, I myself handed PC Wheeler the USB stick containing the requested footage for 3 dates. 1st/8th/14th December, which was downloaded by our engineer, however for some reason PC Wheeler claims he didn't receive footage for the 1st and 8th December. Our engineer also confirms that all 3 dates were on the USB, and PC Wheeler never challenged this until the review papers were issued.

22. 19/12/19-TVP requested footage from inside Bar Iguana relating to the incident that took place involving a lady that fell down, when I attempted to burn it onto disc I was unable to as the DVR would not read the disc, At this point I would like to mention that in 5 years as DPS this was the very first time that TVP have requested me to burn CCTV in Iguana bar, which I think highlights my earlier point that Bar Iguana is trouble free, and while I did regular checks to see CCTV was working and recording, I never actually had to burn anything to disc, so it wasn't until this incident that I discovered there was a fault with the burner.

23. 21/12/19 04:40am-Report states people were arrested in our vicinity. It could equally be said that it was in the vicinity of the bus stop or some other feature.? I was a witness to this. The body worn video does not capture any argument occurring before the police intervention and is ANOTHER example of TVP using our businesses as a reference point, after a peaceful night, just 3 days before Christmas (I was a witness to this incident) No crowd can be seen. A 50+ male who may have had 1 drink too many is moved on by Police, before shockingly a TVP

officer pulls out a TASER gun, which was totally uncalled for, as agreed with by security of a neighbouring premises, other members of the public (who were shouting Police brutality) myself-Kamal, and even the officer HIMSELF stated to me "in hindsight perhaps I could've dealt with it differently" (refer to door safe log book) the video is then cut, it fails to show our security keeping the area clear, it fails to show the officer firing the TASER gun into the male, with the male dropping and his body shaking, if the male happened to be a heart patient it could have really taken a turn for the worse, as I had concerns that the male possibly suffered from some form of disability. When Police back up arrived they pointed a TASER gun at me and turned me around whilst beginning to handcuff me, it wasn't until I explained that I am the manager of Favourite Chicken that the officer let me go.

Other police reports

In my 5 years as DPS there has never been a time when an unauthorised person has sold alcohol. I have given verbal consent to all staff.

Echo tango radio is always used when **necessary**.

One report suggests money was being exchanged for small "packages" that may be drugs, **NEVER!!** We are a respectable family run business.

Any lost and found items are returned to the rightful owner.

Note

There are many reasons why people pass by St Mary's Butts throughout the night. ie Taxi Rank, Bus Stops, Cash Machines, Hotels, Bars, Food Outlets, Route to Station, waiting for private hire etc, but it seems TVP licensing officers fail to look at the bigger picture. Almost as if they have blinkers on. I grew up learning to trust in the Police, But sadly this experience has opened my eyes. At times I cannot believe what I'm reading. I've spent over 5,500 nights in town at night. And every single 1 of them I went home safely to my family. Yet TVP make out like it's a war zone. That couldn't be further from the truth! Yes, you can find isolated incidents, as you do all over the globe. But 99.9% of people come out to unwind and enjoy themselves..

Appendix 1

*I feel it is unjust that I have found a large bulk of CCTV footage used in **both** reviews. The majority of which are very old and no longer relevant to today, half of the videos relate to 8+ years ago, and many others take place far from our vicinity, while a couple relate to Favourite

Chicken, from the entire compilation of incidents I have found just **1 single isolated incident** which relates to Premier/Iguana in which a lady fell at the bottom of the stairs.

1. (3 years ago) 5/8/17. I could not make out anything other than a police presence, No link to Premier/Iguana.
2. (5 years ago) 5/12/15 4:21am-Unsure of location, possibly after an Urban event?. No link to Premier/Iguana.
3. (8 years ago) 4/4/12 3:29am-Committee have seen this TWICE (2011 & 2014) as explained before, staff intervened but as you can see, it was a sucker punch, they did not expect a man to hit a woman. No link to Premier/Iguana.
4. (2 years ago) 9/6/18 5am- Eva's security can be seen dealing with an issue relating to there premises. Its nothing we knew about. PC Wheeler is aware that this is Eva's security. We are disappointed to see Eva's issues in our review papers. No link to Premier/Iguana.
5. (9 years ago) 10/7/11 1:08am-an isolated incident, to our knowledge a man spat in a staff members face while racially abusing him and his mother, he lost his cool. The same night he was sacked. Other staff can be seen trying to stop the incident. No link to Premier/Iguana.
6. (8 years ago) 11/3/12 2:37am-committee have seen in 2014. To our knowledge the female was not our customer, and certainly did not come from our doorway, the male is also not our customer. We understand this to be a domestic. Security did however intervene when they noticed. No link to Premier/Iguana.
7. (8 years ago) 12/8/12 3:03am-2 sucker punches by 1 person in the space of 45 seconds. He did not enter the shop at any point. No link to Premier/Iguana.
8. (1 year ago) 14/2/19 3:35am- 1 male with a chicken shop white bag (no evidence to suggest he was our customer as 2 other chicken outlets in close proximity also use white bags) however the male was not involved in the fight and we was not aware of the incident taking place. No link to Premier/Iguana.
9. (8 years ago) 21/4/12 2-3am-Committee have seen before, an unfortunate incident that happened a long time ago, could have happened anywhere in the UK as we often see on TV. No link to Premier/Iguana.
10. (1 year ago) 21/12/19 3:36-4:27am-PC wheeler mentions Police "having to remain in the vicinity" otherwise known as Police presence. Christmas week, an incident occurs at the BUS STOP, PC Wheeler mentions a crowd at the Chicken shop, but fails to mention the much larger crowd at the BUS STOP. 4:14am a man passes out. Later 2 friends had a disagreement after a

few drinks, security intervened on a minor issue. Police happened to be there dealing with the man who passed out nearby. No link to Premier/Iguana.

11. (8 years ago)-committee have already seen. 2 males fight Infront of Burger King, our customers attempt to stop it. As you can see, other people are not involved. An unfortunate alcohol fuelled incident that happened a long time ago. No link to Premier/Iguana.

12. (2 years ago) 20/4/18 1:28-3:41am-Christian Auriel (Staff) drinking tea and going back to work. No link to Premier/Iguana.

13. (8 years ago) 29/3/12 2:15am-committee have seen, an unfortunate incident that happened a long time ago, security may have been in the washroom. No link to Premier/Iguana.

14. (2 years ago) 24/4/18 1:50am-A male came from another premises with a glass, at first he's out of sight, but once security notice and ask him not to drink. The video is then cut...No link to Premier/Iguana.

15. (8 years ago) 19/2/12 1:48am-A recording that the committee has seen, Security did their best, even when the trouble moved further away they still persisted to intervene. No link to Premier/Iguana.

16. A lady came into Bar Iguana between 10-11pm, after a couple of drinks Terry felt it was in the best interest of the lady that we refuse the sale of alcohol. On leaving she refused any help/support from the door supervisor, at the bottom of the stairs she fell after asking the door supervisor to take her bag, street pastor's happened to be walking past at the same time and called it in, while Terry and the door supervisor were treating the lady. We believe this lady was taking anti-depressants at the time and should not have been drinking. This is irresponsible on her behalf. In Bar Iguana's long history we have **never** had an incident where someone has fallen down the stairs. Subsequently we had a visit from EHO claiming a Police officer had requested her to visit us, the EHO officer was satisfied with the good sticky tread on the stairs, and said this accident could have just as easily happened at home.

17. (1 year ago) 21/6/19 00:26am-A sucker head butt which is almost impossible to stop. This man has connections with a man known to Police mentioned earlier (cousin). No link to Premier/Iguana.

Appendix 2

1. (1 year ago) 1/12/19 3:48am (FOOTAGE 1 HOUR OUT OF SYNC) 2 other nearby chicken outlets use white carrier bags, no evidence to suggest they were our customers. A fight breaks out at the BUS STOP which moves into the road and then over to the graveyard. Regardless of where they purchased food, this BUS STOP would've been there destination. We clean any litter

at the close of trade (refer to door safe log book) Members of the public can be seen reacting to the incident. Some with bags, some without, some run away, some run towards, some recording, some calling police, some breaking it up etc. This appears to have been after an urban event. Our customers not involved. No link to Premier/Iguana.

2. Same as above. No link to Premier/Iguana.

3. (1 year ago) 8/12/19 (FOOTAGE 1 HOUR OUT OF SYNC) [REDACTED] and his gang can be seen fighting in the road which then moves over to Hosier street. Members of the public can be seen reacting to the incident. Some with bags, some without, some run away, some run towards, some recording, some calling police, some breaking it up etc. This appears to have been after an urban event. Our customers not involved. No link to Premier/Iguana.

Appendix 3

(1 year ago) 21/12/19 4:42am-after a peaceful night, just 3 days before Christmas (I was a witness to this incident) No crowd can be seen. A 50+ male who may have had 1 drink too many is moved on by Police, before shockingly a TVP officer pulls out a TASER gun, which was totally uncalled for, as agreed with by security of a neighbouring premises, other members of the public (who were shouting Police brutality) myself-Kamal, and even the officer HIMSELF stated to me "in hindsight perhaps I could've dealt with it differently" (refer to door safe log book) the video is then cut, it fails to show our security keeping the area clear, it fails to show the officer firing the TASER gun into the male, with the male dropping and his body shaking, if the male happened to be a heart patient it could have really taken a turn for the worse, as I had concerns that the male possibly suffered from some form of disability. When Police back up arrived they pointed a TASER gun at me and turned me around whilst beginning to handcuff me, it wasn't until I explained that I am the manager of Favourite Chicken that the officer let me go. No link to Premier/Iguana.

Appendix 4

Same as above. No link to Premier/Iguana.

Appendix 5

1) Licensing inspection takes place at Premier, Samira answered PC Wheelers questions, She produced part A of the license, (with regards to part B being the previous version, I do recall

making several attempts to get through to the licensing department some time ago to request the latest version, however I was unable to do so, all the while I was very aware that no changes were made to the license at any stage with regards to licensable hours etc. the license number being the stand out change, note that in our review papers for Favourite Chicken, TVP provided an incorrect license number from the one we currently have, so it can happen). The correct part B is now being displayed. Samira also named the 4 licensing objectives, She produced our refusal log (we made use of an old empty diary book which I had found) She confirmed that we have a challenge 25 policy in place, She confirmed our accepted forms of ID are passport, driving license and pass accredited cards with a hologram. Although it appears someone has removed the alcohol exclusion sign I put up at the exit of the premises, She explains we are doing much more than simply displaying a sign in a shop window, we are **actively** involved in making sure no drinking takes place outside the premises (I have now put up **three** alcohol exclusion zone signs, one at the counter, and two at the exit). She then confirms that as the DPS I have provided verbal consent to all staff to sell alcohol (Bare in mind the staff simply consist of my mother, my sisters, my brother-in-law, and Terry Holder who I have known since primary school and Terry is like family to us) so I felt verbal consent was sufficient, however for the sake of clarity I have now done this as a written document as is best practice. She also confirms that CCTV is being kept for a month, aswell as pointing out our section 57 notice, More importantly she also confirms that she has recieved **training** during her time with us. I would like to point out that this is very **evident** in her interview. She confirms that in the Off License we have a 7am-2am hours for the sale of retail by alcohol in place, with regards to all things related to fire safety, my father Mohammed Saleem takes care of this for both Premier/Iguana & Favourite Chicken. I can confirm that our landlords have copies of all documents, and we also have copies kept at the premises these include fire risk assessments, fire panel certificates, gas safety certificates, 5 year hard wire certificates, emergency lighting tests etc. Furthermore, we had a visit from the fire chief who explained that TVP requested they conduct an inspection, this was carried out and the fire chief left satisfied. I was satisfied with the answers Samira gave to Police.

2) The inspection then moves upstairs into Bar Iguana, the manager at Bar Iguana is Mr. Terry Holder, Bar Iguana is a very small bar, with just one single employee, it is a very small operation. Terry is someone who has been involved at Bar Iguana for 25 years. I would like to point out that in a quarter of a century, this was the very first time Terry has been questioned during a licensing inspection. Terry has recieved training alongside my sisters and mother consistantly over the years. These were produced to PC Wheeler on the 27th December, However at the time of the inspection Terry misunderstood the question and thought the question refered to external training rather than in-house training. I think its important to take

into consideration Terry's age, fast approaching sixty he has been winding down in recent times. The Bar is only open 10 hours a week, mainly due to the fact that Terry has age related health issues and struggles with a heavy workload. I did have a document displayed on the side of the fridge detailing Bar Iguana's policies, which I have been over with Terry dozens of times. However during a deep clean of the bar area in November it seems to have been misplaced. Once I became aware of this I printed out another copy and made some updates. While he lacked in some areas, he has been involved in running bars since 1979, and is aware of government legislation regarding the sale of alcohol and since the new year I have increased Terry's training. Terry also took part, alongside a combination of staff at Premier and Favourite Chicken in a level 2 prevention of underage sales course, where they covered various subjects such as: licensable activities, challenge 25, the four licensing objectives etc. All staff received a certificate at the end of the day, Sometimes licensing legislation can move very fast and a tiny bar and family run shop can easily get left behind, I feel that local authorities should take into account **proportion** as a factor. Furthermore I have completely revamped all of Bar Iguana's policies, to bring them up to 2020 standards including the search policy, drugs policy and dispersal policy.

Appendix 6

Inspection with Declan Smyth, PC Wheeler and Myself, I have been unable to hear the audio from this clip, going off my notes, the engineer explained the circumstances regarding CCTV, and I answered a few licensing related questions.

Appendix 7

You can see me doing everything in my power to make sure TVP get the footage they requested, engineer guarantees to provide footage of 1st/8th/14th.

Appendix 8

Staff filling the shop, in the process of taking things upstairs.

Appendix 9

This relates to Iguana/Premier stairs incident. A lady fell at the bottom of the stairs. EHO inspection sheet and door safe log were completed and a subsequent inspection revealed that this was no fault of the stairs.

Appendix 4

CCTV out of sync. Evidence to support this attached to statement, **proudly** we have never sold alcohol out of hours in Premier or Iguana.

Moving on, with regard to the door supervision of the premises, I did explain the situation to PC Wheeler as well as Declan Smyth & Licensing officer Robert Smalley. However, I still found it amongst the review papers so I will clarify once more...

There was a problem that came to my attention: where door staff had been signing in for duty on BOTH Favourite Chicken & Bar Iguana at the same time.

For the sake of clarity:

2 security work at Favourite Chicken

1 security work at Bar Iguana

There were occasions where one of the Chicken shop security was going upstairs into the bar, to use the toilet or speak to Terry (manager) before starting work.

The security who is supposed to be working at Iguana says to the Chicken shop security who's walking into the bar: "while your up there, sign the book, I'm just having a smoke" which he did (with his own name and badge number).

However after using the toilet he came back down to start work at Favourite Chicken.

So, once again (he signs on for duty in Favourite Chicken with his own name and badge number).

Now the security who works for Iguana has gone unaccounted for.

Therefore it looks as if we had only 2 security covering 2 premises.

I can assure the committee-that this was **NEVER** the case.

We are not cheap kind of people who are looking to cut corners.

This was simply an error with regards to admin. Once brought to my attention, it was rectified.

The reason I didn't pick up on it sooner was because the security personnel we use all have very long African names, often 4-5 names each. So we only call them by their nicknames. ie (TJ, KB, Ibz, Shadow & J)

Plus this happened during a tough time for my family, as we were taking care of my Grandmother so I may have overlooked it.

When asked, the security apologised to me, and explained "They are both Saleem's premises and nothing ever happens so we didn't think it was a big issue, and it won't happen again".

Also it was claimed that 2 fraudulent refusals were added to the door safe log book, I can confirm that these were genuine refusals, that were recalled and logged. I'd like to reiterate just how small Bar Iguana is, the Bar is open just 10 hours a week, the customers are a select group, all known to Terry and myself. I feel TVP have failed to take this into account.

We issue a briefing to the security company that we engage and this includes ;

Sign in on arrival.

High vis jacket/vest to be worn.

SIA badge displayed.

Greeting customers.

Check ID on the door.

Carry out searches.

Turn away anyone who seems intoxicated.

Handing over any lost property to manager.

Defusing any potential incident.

Make every effort to stop any physical or verbal dispute (Log).

Helping any vulnerable person (ie walk them towards taxi rank/bus stop)

Dispersing of any groups remaining on our forecourt.

If possible, attempting to defuse any incident in the street.

Log any other incident that is noticed.

Sign off.

3 linked incidents.

Amongst the CCTV evidence provided by TVP are 3 incidents linked to 1 male. This male is known to police, These are dated as follows:

28/04/19

21/06/19

08/12/19

This individual has a reputation of being a bad man. Him, his brother and there gang are feared by all. By his own admission he suffers from ADHD & has Anger management issues. As he went to school with my younger brother I had heard all about his reputation. Although before these incidents I only knew him by his surname. He is the kind of person you don't want to report to the Police, as it may come with serious consequences.

In March 2019 He was verbally abusing a female in the street during the early hours, she came to us for protection, we took the female in. He followed and we refused him entry. He then smashed up our shop front, shattering a window panel before running off. Days later I saw him outside the shop one evening, I requested him to pay for the damage He caused. He laughed in my face before walking off. I then asked his friend to request [REDACTED] not to cause trouble at the shop. He replied "no one can stop"

On 28th April 2019 He came into the chicken shop, and for no apparent reason, punched an innocent customer who was paying for his food. I had no choice but to ban him, provide CCTV to TVP, provide a statement and identify the man in the video.

From April through to December Myself and family were living in fear. During that period I received anonymous calls stating "you better not show up to court!" I was slandered over social media. (Evidence provided) I was followed, as He would show up to my Hairdressers while I was present and write the word "SNITCH" next to my name in the appointment book (evidence provided) He came to the Shop on several occasions and made serious level threats directed at me, as well as other staff. He also bragged about his cousins incident in June.

On the 21st June 2019 His cousin came into the chicken shop, and headbutted another male for no reason whatsoever. On leaving He stated "That's from" We also banned this male from the premises.

Then on the 8th December, He and his gang came towards our premises after a night out in town. Members of the public who knew him came towards the shop and told me “... is looking for you” and explained that he has been calling for his “boys” through social media to “Turn up” at the shop this weekend as he’s going to “stick it on you”. Our Security advised me it was safer to go downstairs into the office, which I did. That night we voluntarily closed early on request of TVP. And later we heard that an incident occurred in the middle of the road. In the coming days we learned that Him and his gang where those involved. They are a serious threat to the public’s safety.

The following day a friend of mine sent me a screen shot of his social media post. In which he calls us “SNITCHES” and calls for everyone to “TURN UP”. The term “TURN UP” in an urban dictionary is a call for people to show up at a certain place and cause trouble such as violence etc.

During this period I enquired about putting him forward for a PubWatch ban. However with PubWatch there was no guarantee that my identity would remain anonymous...so out of fear for my own safety I didn’t go ahead with it.

He was charged for the incident in April 2019. He is due in court in March 2020. Thankfully my Father was able to intervene in mid-December and since then we haven’t had any issue with him or his gang.

RESPONSE to Police report & CCTV of incident dated 16/02/20.

Our version of events:

On the 16th February 2020 an incident occurred outside Favourite Chicken, this began when 1 male came into the shop with a drink in a glass, Doorstaff reacted by instructing the man to remove the Glass from the premises, before re-joining the queue. The male walks to the door and empties the contents of that glass onto the floor outside, in doing so he almost splashed 3 males who happened to be walking passed at the exact same time. 1 of the males became annoyed by the mans recklessness. And confronted him about it. At this time Doorstaff take over the situation, sending the male who emptied the glass back inside the shop to re-join the queue and kept the other 3 males outside. Door staff requested them to leave the vicinity, So as to avoid any further confrontation between them. The males outside became agitated at being asked to leave, with 1 of them willing to leave but the other 2 keen to stay so in there disagreement they began pushing each other. At this point Doorstaff made a decision to disperse them. TVP arrive on the scene as they was dealing with a none related incident nearby. However Doorstaff had already dealt with the situation. When asked by Police about what had

occured, Doorstaff explained that a minor incident took place and that it was dealt with. Doorstaff then logged the incident. The entire incident lasts just seconds.

We later received a Police report stating that an incident took place on 16/02/20. However the evidence provided by us (CCTV/DOOR SAFE LOG) heavily contradicts the report made by TVP.

The report suggests that a large altercation takes place outside Favourite Chicken & Bar Iguana...

INCORRECT: This is a very minor incident involving just a couple of people that came about after someone was slightly reckless while emptying the contents of a drink on to the floor outside, and almost splashing people walking by. The entire thing is under control in just seconds.

The report suggests an incident began when inside Bar Iguana, 1 male stood on another males foot.

INCORRECT: Bar Iguana closes at 3am, this incident took place at 3:20am, none of the parties entered Bar Iguana at any point of the night, CCTV is available for 31 days should local authorities wish to view it. Furthermore we can see from the evidence provided by us that neither party enter from the direction of Bar Iguana. And certainly no one stands on anyone's foot!

The report suggests that the 2 males then continue the argument whilst inside Favourite Chicken where security have ejected them from the premises.

INCORRECT: There is never a moment where both parties are inside of Favourite Chicken at the same time. And certainly security at no point eject them or anyone else as CCTV proves.

The report then suggests that the argument then escalates and groups come together and begin pushing and shoving each other.

INCORRECT: 1 male is allowed to re-enter the premises to buy food as he was instructed, whilst the other males are asked to leave the vicinity as mentioned above. Doorstaff have reacted by creating distance between them.

The report then suggests that Doorstaff continue to eject members of the chicken shop into the street, putting all those involved into a large group outside.

INCORRECT: As you can see in the CCTV provided by us, never at any point do Doorstaff eject even a single person into the street. Not at that moment or the entire shift. CCTV available to view for 31 days.

The report suggests that Doorstaff continue to eject people from the premises and tell people to move on, and that all of those ejected have continued to push and shove each other outside on the street.

INCORRECT: As I explained above, no one was ejected.

The report suggests Police on the scene have separated groups and it has fizzled out.

INCORRECT: There were no groups. Only 3 friends in which Door staff dispersed of as mentioned above.

The report suggests an Officer speaks to Doorstaff who have not said anything and remain tight lipped about what they have seen.

INCORRECT: There was nothing to remain tight lipped about. Doorstaff explain to the Officer that a very minor incident occurred which has now been dealt with, as you can see from CCTV.

The report suggests that it was suspected that some off duty Doorstaff was involved in the incident.

INCORRECT: NONE of those involved are known to Doorstaff, management or employees at Favourite Chicken or Bar Iguana.

The report then suggests that an off duty Police officer had mentioned that a male in the group wearing a black puffer jacket possibly had a knife.

NOTE: As we can see by the evidence provided, none of the people involved in this incident are wearing a black puffer jacket. 1 male is wearing a black jacket however not of the puffer design. In 21 years of being open to the public 7 days a week, I am pleased to say that we have NEVER had any incident involving a knife at our premises, our customers are not that kind of clientele.

The report then suggests a male matching the description is seen at a BUS STOP having a heated argument with his girlfriend.

NOTE: In the evidence provided we do not see sight of any girl with any male in the video.

The Police report then goes on to say that an Officer red dotted this male with a taser and NO knife was found.

NOTE: After seeing so many contradictions in the Police report compared to what our evidence proves actually happened, I am left with no choice but to consider the weight of the rest of the Police report. As it has proved to be an Incorrect documentation of events.

For the safety of 1 individual who was reckless when emptying the contents of his drink, our Door Staff have gone out of there way to ensure that He is kept safe and goes home without confrontation. Even if that meant facing up to 3 males who were left upset at not being allowed to remain in the vicinity.

At this point, I would like to take this opportunity to declare that I am completely satisfied with the way our Doorstaff handled this situation. From beginning to end, they have proven to be competent in carrying out there duties and I admire there decision making.

Something else I would like to mention at this point is that after meeting our landlord we closed our restaurant on the 1st floor. (Above Favourite Chicken) Investing £20,000. We borrowed money and turned it into a members only Pool Hall. The premises already has its own Premises License, and we planned to open in December, but on the request of TVP we agreed to delay our opening until January.

In the meantime PC Simon Wheeler visited the Management of Broad Street Mall, telling them not to allow us to open it. Then our landlord wrote to us mentioning that the Police had visited. I'm not sure what was said at this meeting between PC Wheeler and Broad Street Mall management but after that meeting the landlords behaviour noticeably changed. We have known them for over 20 years and have never experienced this before. From October till today the place has been closed and we are suffering great losses.

My humble plea to the committee:

We are a small business, who no doubt cannot compete with the likes of Tesco & Sainsburys during the daytime. Therefore we rely on the night time economy to survive. Please don't consider reducing our hours. We have **never** abused our privilege of selling alcohol.

PC Wheeler has implied that I am an unsuitable manager of a late night premises. May I remind you, that I am the same manager who supported his case to take EVA'S for review providing a statement, against my own friends! The DPS of EVA'S (Emma) couldn't look me in the eye...but I knew it was the right thing to do.

I am the same manager who BEFORE any meeting with Licensing officers or TVP, decided to employ extra security for the run in to New Years.

I am the same manager who over the last 15 years HAS and WILL always work with local authorities. Doing whatever has ever been asked of me. Whether it be relocating a camera,

updating a policy or having door supervisor's in high vis.

I will be attaching a map of the St Mays Butts area between 11pm-5am which highlights the various reasons for people to be within the area:

14 DRINKING ESTABLISHMENTS

4 LATE NIGHT REFRESHMENTS

12 BUS STOPS

4 TAXI RANKS

4 CASH ATMs

3 HOTELS

1 A&E (St Marys Church)

ALL WITHIN CLOSE PROXIMITY.

As always, for the best interest of this town and the night time economy as a whole, local authorities (RBC & TVP) have our full cooperation.

I can confirm that everything in Premier/Bar Iguana is completely up to date, including CCTV (31 days) Staff training, Fire safety, licence requirements etc. We have undertaken refresher training, not least during the last year and have just done so again so that the licensing objectives are fresh in our minds and the minds of our staff. We will provide certificates of this training if required.

I would make the following points :

- Bar Iguana has **never** in its history, had a violent incident inside the premises.
- Premier has **never** in its history, had a violent incident inside the premises.
- Bar Iguana has **never** in its history, sold alcohol **out** of licensable hours.
- Premier has **never** in its history, sold alcohol **out** of licensable hours.

- Bar Iguana has **never** in its history, sold alcohol to anyone **underage** (except 1 incident, 6 years ago, where a male genuinely looked 25) .
- Premier has **never** in its history, sold alcohol **OR** tobacco to anyone **underage**.

Statement of Truth

I believe that the facts stated in this statement are true to the best of my knowledge and belief.

KAMAL SALEEM

Mohammad Shakeel Ahmed

Secure west London Ltd

12 London Road

Morden

0208 9649119

08-03-2020

Dear Sir/Madam

On 24th December of last year we visited Premier off license and 1st floor bar in Reading after receiving a call from the store manager. We understood Thames Valley Police had requested cctv footage of all internal/external cameras for three separate dates. These are 1st, 8th & 14th December. The store manager was unable to download the footage from the dvr, On arrival i discovered a fault with the motherboard port but i assured the officers who were present at the time of my visit that the footage was secure, however i would need to take the dvr to our workshop in order to extract the footage. It was agreed in front of me that Officers would collect the footage in a usb form on 27th December. I can confirm that all footage requested was successfully uploaded onto usb and this was handed to the store manager. I also rectified the time on the dvr as it was incorrect, and explained to officers to be mindful that footage requested would be more than an hour out. I can also confirm that we carried out further work, The cctv is currently of a high standard and recording for 31 days in both Premier and first floor bar, and all is in good working order.

statement of truth

yours faithfully

Mohammad Shakeel Ahmed (Secure West London Ltd)

From: Bailey Hugh [redacted] <hugh.bailey@thamesvalley.pnn.police.uk>
Date: 24 January 2020 at 11:32:30 GMT
To: [redacted]
Subject: 43190374839

Hello Mr Saleem,

I can confirm that I obtained CCTV from the Premier stores, St Marys Butts in Reading in December 2019. We completed a time check which showed the CCTV on the system was 1 hour 5 minutes out of sync.

Regards,

Hugh

DC 7794 Hugh Bailey | Detective Constable | Force CID | Team D
Address: Reading Police Station, Castle Street, Reading, Berkshire, RG1 7TH
Ext: 01865 845307 | **Mobile:** 07817458937 | **Int:** 351 6105
Email: [redacted]@thamesvalley.pnn.police.uk

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Fire risk number 11



To: Laurie Ridgwell

<operationsmanager@broadstreetmall.com>

Subject: Fire risk number 11

Dear Laurie,

I hope our email find you well.

I would like to make clear that we did not say that BSM are responsible for all things Fire safety related.

We explained that BSM keep records if the local authority would like to see them.

I do remember meeting yourself after your letter dated July in which we was under the impression that everything was dealt with.

However if there is anything that you would like rectified, we are always happy to do so. We should arrange a meeting whenever is good for you.



Certificate of Attendance

Hassan ALI of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

17th February 2020

William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2001/ 2020



Certificate of Attendance

Kamal SALEEM of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

17th February 2020

William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2008/ 2020



Certificate of Attendance

Lorraine SALEEM of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

17th February 2020

William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2002/ 2020



Certificate of Attendance

Mohammed SALEEM of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

17th February 2020

William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2007/ 2020



Certificate of Attendance

Samira SALEEM of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

17th February 2020

William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2003/ 2020



Certificate of Attendance

Sunya SALEEM of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

17th February 2020

William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2004/ 2020



Certificate of Attendance

Terry HOLDER of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

17th February 2020

William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2006/ 2020



Certificate of Attendance

Yasir MEHMOOD of Premier/Iguana Reading attended the following course:

Prevention of Underage Sales L2

Held at Smokin Billy's, 61 St Mary's Butt, Reading RG1 2LG

Subjects Covered:

Licensable activities

The four licensing objectives

Who authorised the sale of alcohol

Age restricted goods and the relevant fines

Challenge 25

Acceptable proof of age ID and how to check details

Proxy purchasing

Test Purchasing and the penalties

Conflict management

Refusals logs

The importance of training and refresher training

Date of Course:

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William Donne

Course Director-Silver Fox Licensing Consultants

Certificate No: 2005/ 2020



Reading Borough Council Licensing Policy

Vision : To promote Reading as a safe and healthy environment in which responsible operators provide lawful and responsible facilities for the enjoyment of all of the town's residents and visitors.

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night time economy.

4.14 It is recognised that the licensing function is only one means of securing the delivery of the active promotion of the licensing objectives and should not therefore be seen as a panacea for solving all problems within local communities. The licensing process can only seek to control measures within the control of a licence holder or potential licence holder. The Licensing authority will continue to work in partnership with other bodies within the Council and outside the Council to ensure that the licensing objectives are actively promoted through any relevant strategy, initiative or 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)

S182 Guidance

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.

11.23 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...

| | |
|--|---|
| Conditions must be relevant and relate to a licensable activity | <u>Brightcrew Limited v The City of Glasgow Licensing Board, [2011] CSIH 46</u> |
| Conditions imposed on a licence under the Act need to be sufficiently precise for applicants to know the obligations imposed upon them. | <u>R v- Hammersmith & Fulham London Borough Council, ex parte Earls Court Ltd , Times, 15 July 1993</u> |
| Conditions should not duplicate a statutory provision, duty or responsibility. | Secretary of State's Guidance at 1.16 |
| Conditions must be appropriate for the promotion of the licensing objectives | Secretary of State's Guidance at 1.16 |
| Conditions must be precise and enforceable | Secretary of State's Guidance at 1.16 |
| Conditions must be unambiguous and clear in what they intend to achieve | Secretary of State's Guidance at 1.16 |
| Conditions must be tailored to the individual type, location and characteristics of the premises and events concerned | Secretary of State's Guidance at 1.16 |
| Conditions should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case | Secretary of State's Guidance at 1.16 |
| Conditions should not replicate offences set out in the 2003 Act or other legislation | Secretary of State's Guidance at 1.16 |
| Conditions should be proportionate and justifiable | Secretary of State's Guidance at 1.16 <u>R v Secretary of State's for Health ex parte Eastside Cheese [1999] 3 CMLR 123.:</u> <u>De Freitas v Permanent Secretary of Ministry of Agriculture, Fisheries, Lands and Housing [1999] 1 AC 69,</u> Regard also should be had to the Enforcement Concordat and principles of Better Regulation. |
| Conditions should be capable of being met. | <u>R v London Borough of Hammersmith & Fulham, ex p Earls Court [1993] The Times, 15 July</u> |
| Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff | Secretary of State's Guidance at 1.16 |
| Conditions must be self-contained with no external approval process | <u>Ellis v Dubowski [1921] 3 KB 621,</u> <u>R v Greater London Council, ex p Blackburn [1976] 3 All ER 184</u> |

IN THE SUPREME COURT OF JUDICATURE

QBCOF 1999/0177/4
COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
CROWN OFFICE LIST
(MR JUSTICE MOSES)

Royal Courts of Justice
The Strand
London

Thursday 1 July 1999

Before:

THE LORD CHIEF JUSTICE OF ENGLAND AND WALES
(Lord Bingham of Cornhill)

LORD JUSTICE OTTON

and

LORD JUSTICE ROBERT WALKER

BETWEEN:

THE QUEEN

and

SECRETARY OF STATE FOR HEALTH

Ex parte EASTSIDE CHEESE COMPANY (a firm)

and

RA DUCKETT & CO

Interested Party

J U D G M E N T
(As Approved by the Court)

(Computer Aided Transcription by
Smith Bernal, 180 Fleet Street, London EC4A 2HD
Telephone 0171 421 4040
Official Shorthand Writers to the Court)

A P P E A R A N C E S:

MR PHILIP HAVERS QC and MR NEIL GARNHAM (instructed by the Office of the Solicitor, Department of Health, London 2A 2LS) appeared on behalf

of THE APPELLANT/RESPONDENT

MR DAVID FOSKETT QC and MR RICHARD BOOTH (instructed by Messrs Laurie Moran Arthur, London SW19 5DQ) appeared on behalf

of THE RESPONDENT/APPLICANT

MR GERALD BARLING QC and MR HUGH MERCER (instructed by Messrs Clarke Wilmott & Clarke, Somerset BA20 1EP) appeared on behalf

of THE INTERESTED PARTY

Thursday 1 July 1999

THE LORD CHIEF JUSTICE: On 20 May 1998 the Secretary of State for Health made an emergency control order under section 13 of the Food Safety Act 1990. The text of that order was amended by a further order under the same section made on the following day. It is convenient to treat these as a single order in the amended form. The effect of the order was to prohibit the carrying out of any commercial operation in relation to cheese originating from R A Duckett and Co. Limited of Walnut Tree Farm, Wedmore, Somerset. On 10 July 1998, the order was again varied: the prohibition was not to apply to any cheese manufactured on or after 11 July.

So long as the order remained fully in force it paralysed the cheese-making business which Ducketts carried on, and had carried on with notable distinction for several generations. The order also paralysed the business of cheese processors and maturers to the extent that they depended on supplies of cheese obtained from Ducketts. Such a business was that of the Eastside Cheese Company, a firm in Godstone, Surrey, in which Mr James Aldridge, a well-known and respected figure in the cheese-making world, is the leading cheesemaker.

Eastside obtained leave to seek judicial review of the emergency control order made by the secretary of state and were supported by Ducketts as an interested party. A number of different grounds were advanced. In a long and careful judgment delivered on 13 November 1998, Moses J dismissed most of the grounds relied on by Eastside and Ducketts but he upheld one ground of

challenge and on that ground held the emergency control order as amended to be unlawful. The secretary of state appeals, contending that the judge was wrong to find the order unlawful on that ground. Eastside and Ducketts for their part contend that the judge should have found in favour of Eastside on some of the grounds which he dismissed as well as that which he upheld, and they rely on other grounds not argued before the judge.

Ducketts produce two types of cheese, Caerphilly and Wedmore. The difference is that Wedmore contains chives, and Caerphilly does not. The story begins for present purposes on 19 April 1998 when a 12 year-old boy became seriously ill and was admitted to hospital suffering from food poisoning. On 28 April 1998 it was diagnosed that his symptoms were attributable to a very dangerous organism, E-coli 0157.

This organism is very dangerous because it can cause severe illness and death, kidney failure requiring dialysis, strokes, blindness and brain damage. In evidence before the judge Dr Hilton, a Senior Medical Officer and Head of the Micro-biological Safety of Food Unit at the Department of Health, deposed:

“It is worth noting that *E-coli* 0157 is categorised as a containment level 3 pathogen which means that it is considered to be more dangerous than the types of *Salmonella* that cause food-poisoning or the bacteria that causes cholera, and that it is considered to be as dangerous as the bacteria that cause typhoid or the plague.”

The danger presented by E-coli 0157 is insidious, because the number of organisms needed to cause infection is apparently low and the organisms tend not to be evenly distributed within foods. This makes sampling difficult and unreliable, unless a test for the organism proves positive. Then it is clear that the product is contaminated. A negative result does not however give the same assurance that the food is not contaminated: because of the low number of organisms needed to cause infection and the non-uniform distribution of organisms in food, it is only possible to be sure that the organism is absent if the whole of every product, in this case cheese, is tested to destruction. Part of the factual

background to this case was a recent outbreak of E-coli 0157 poisoning in Scotland, which had claimed the lives of 17 people.

On 28 April 1998 it was believed that Ducketts' Wedmore cheese might be the source of the boy's E-coli 0157 infection. The cheese in question had been supplied by Ducketts to a shop in Wellington, Somerset, where it had been bought by the boy's parents and eaten by him shortly before he fell ill. Samples of cheese were obtained from the shop and tested. On Friday 1 May these were provisionally thought to show the presence of E-coli 0157. Ducketts were informed of this result by the Sedgemoor District Council, and the presence of E-coli 0157 was confirmed on Saturday 2 May. Ducketts then told Mr Aldridge of Eastside, who bought most of their cheese from Ducketts for maturing and smoking before onward sale. The district council told Mr Duckett that the cheese had been supplied to the shop in Wellington on 8 April 1998, and on that basis Mr Duckett "guesstimated" that the cheese had been made between 4 and 6 April 1998.

The judge has summarised the narrative very fully and accurately in his judgment, but it is necessary to draw attention to some of the main points. Mr Aldridge, on learning of the infection from Mr Duckett, at once isolated the Duckett cheese in the possession of Eastside which included Ducketts' 5 April 1998 production, and took steps to ensure that that cheese was not sold. The district council set up a Food Incident Team, and there were discussions between the Environmental Health Department of the district council and the Department of Health, which was first alerted on Saturday 2 May. On Sunday 3 May Mr Curtis, a Senior Principal Environmental Health Officer, and Team Leader of the Food Hazard Unit, was informed and co-ordinated investigations on behalf of the department. On that Sunday, representatives of the district council and the department met at Bridgwater and visited Ducketts' farm. Monday 4 May 1998 was a bank holiday. On that day Mr Aldridge confirmed to Mr Curtis that none of his Duckett cheese produced on 5 April had been sold, and that it was clearly marked. Ducketts meanwhile tried to recall supplies from other customers. There is no doubt that both Ducketts and Eastside acted very promptly and properly.

There followed a series of four meetings of the Food Incident Team, on 5, 6, 8 and 13 May.

including representatives of the district council and the department and, at some meetings, food microbiologists from the Hygiene Division of the Ministry of Agriculture, Fisheries and Food. At the meeting on 5 May it was recorded that further analytical work was needed finally to establish the link between the cheese and the poisoned boy. On 6 May this link was confirmed. On that date the department intended to recommend that the Ducketts' production of 5 April should be withdrawn and that subsequent release should be dependent on satisfactory sampling arrangements. By the meeting on 8 May there was much more evidence available from laboratory tests. Forty samples taken from Ducketts' production between 26 April and 3 May 1998 were all found to be negative. But there were eight positive samples: six of these derived from Ducketts' production of 4 April, and came from a single consignment to a retailer known as West Country Fine Foods; one came from Ducketts' production of 5 April, traced in Wandsworth; one came from the cheese which was thought to have caused the boy's infection. It was thought that most of Ducketts' production of 4 and 5 April had been consumed by this time, but it was decided to issue a Food Hazard Warning to local authorities, not limited to specific production dates.

Eastside's cheeses derived from Ducketts' 5 April production were taken for testing on 4 May, and further samples were supplied on 8 May.

On 13 May a further positive sample was reported, this time from the area of Taunton Deane Borough Council. It was thought that the cheese sampled had been produced by Ducketts between 4 and 6 April, but confirmation was needed. This made nine positive samples, although six of them came from the consignment to West Country Fine Foods.

At this stage the source of the contamination was unknown. Mrs Duckett was found to be a carrier of E-coli 0157, although showing no symptoms. Later it became fairly clear that Mrs Duckett's infection was irrelevant, but this finding was a source of some concern at the time since she was involved in handling and packing the manufactured cheeses. Samples received by the laboratory from Ducketts since 11 May were found to be negative, as were samples of production during the period 4-6 April. It was decided to issue a second Food Hazard Warning, in particular to seek information for

purposes of settling a suitable sampling plan. The Warning, sent on 13 May 1998 to all local authorities with a possible interest, stated:

“Enquiries have indicated that cheeses may be relabelled and repackaged during distribution through the trade. Some cheeses are subject to further treatment or processing as described in our original Food Hazard Warning. We urgently require further samples of Ducketts Caerphilly or Ducketts Wedmore cheese to help identify whether the hazard is confined to a particular period of production. We would like to ensure samples are examined throughout the period of production, from 4 April. Please let us have any information available direct on Fax ..on production dates (or if not available, delivery dates) of Ducketts cheeses within the premises visited so that we can advise local authorities on a targetted sampling programme.”

The Warning listed the 34 outlets then known to the Department of Health to be directly involved and the local authorities requested to act. The outlets were dispersed throughout the West Country, London and the Home Counties, Scotland, Manchester, Harrogate and elsewhere.

No further cases of food poisoning were reported, and no positive samples shown to have come from a production period outside the production period 4-6 April identified by Ducketts were reported. Both Ducketts and Eastside were continuing to act co-operatively, and plans were being laid to devise a safe sampling system. But the source of contamination was still not confirmed, and could have been found either in the raw material from which the cheeses were made, or from the production process, or from handling or treatment after manufacture. There was no certainty about the suspect dates of production, partly because of the problems of repackaging mentioned in the second Food Hazard Warning.

On 15 May Mr Aldridge wrote to the department arguing that there was no reason to withhold any of his ex-Duckett cheese from the market save within the two-week period of production covering 4-6 April 1998. Shortly after this, on 18 May, Mr Aldridge told the Tandridge District Council (Eastside's local council) that he intended to deliver some Duckett cheese to a wholesaler, and he did deliver some such cheese which he had received in early March and which had been maturing

since then. It seems, and the judge accepted, that his intention was to provoke the district council into issuing a detention notice under section 9 of the 1990 Act. Under that section, to which we will come, compensation is payable if food which is the subject of a notice under the section is found not to be unfit (unless the notice is withdrawn). Mr Aldridge's objective was not to depart from the restrictive régime he had voluntarily accepted, but to put Eastside in a position to claim compensation. His tactic was successful to this extent, that on 19 May 1998 his local district council did issue a detention notice under section 9.

On the same day, 19 May, a crucial meeting of the Food Incident Team was held. It was attended by representatives of the department, the Ministry of Agriculture, Fisheries and Food, Public Health Laboratory Services, Tandridge Environmental Health Department, Somerset Health Authority and the Sedgemoor Environmental Health Department. Seventeen people attended in total, including a note-taker. There was new information that some beef cattle on Ducketts' farm had been found to be infected with E-coli 0157. More significantly, there was a report from the Mendip Environmental Health Department that a sample of Duckett cheese had been tested for E-coli 0157 and found to be presumptively positive. This was the tenth positive sample. An official from the Department of Health had requested additional information as to the source of this sample, and had been told by the district council that the sample had been supplied direct by Ducketts to a retailer in Wells. The delivery had been on 30 April 1998, and would accordingly have been produced between about 25 and 27 April, well outside what had hitherto been implicated as the suspect period of production. Later, this information proved to be incorrect. But on 19 May there was no reason to suspect the reliability of this report, which inevitably put an even more serious gloss on the facts as understood up to then.

At the meeting the representative of Tandridge District Council Environmental Health Department explained the financial consequences for Eastside of detaining £30,000 worth of cheese. It was recorded that Mr Aldridge had made a number of representations and a copy of his letter of 15 May to the department was tabled. It was thought that he might be considering a legal challenge to the section 9 notice that had been served in respect of his stock, and reference was made to samples taken

from him. There was a lengthy discussion whether an appropriate sampling plan could be devised that would identify with reasonable certainty which batches of cheese held by Eastside were likely to be contaminated with *E-coli* 0157, but the problem was complicated by the fact that Mr Aldridge could only identify a particular week's production from Ducketts and not a particular day's. The record of the meeting concludes with two important paragraphs:

“11. It was agreed that it would not be possible for any sampling plan, short of total destructive testing, to provide adequate assurance as to the safety of Mr Aldridge's stock for the following reasons:

- i. given the evidence that *E-coli* 0157 had been found in Ducketts cheese produced on different days
- ii. positive samples had been contaminated at low levels
- iii. a sampling plan for positive release of suspect cheese would need to give a high level of assurance that no sample from any cheese would be likely to be contaminated
- iv. it could not be assumed that any contamination was randomly distributed in an individual cheese.

12. There was agreement that the food sampling programme that had been instigated following the previous Food Hazard Warning had not helped to identify the cause or period of the contamination because of a lack of information regarding production dates. As infection from *E-coli* 0157 can occur from ingesting a very small number of organisms, no sampling programme could give a satisfactory assurance of the safety of the cheese. It was agreed, therefore, that all cheese produced by Ducketts that is currently held at outlets is potentially unsafe and its sale should be banned. Due to the logistical problems that could be faced by EHDs trying to do this “on their own” it was considered to be appropriate at this stage to pursue the idea of asking the Minister to sign an Emergency Control Order under Section 13 of the Food Safety Act 1990 to remove the cheese from the market. DH agreed to seek advice from its lawyers to decide if this was appropriate. If it was, DH undertook to put a submission to the Minister. If such an Order was to be signed it was agreed that it would be worded in such a way any cheese produced by Ducketts included any anonymised Caerphilly”.

It appears that the meeting concluded at about 7.30 p.m.

On 20 May Eastside and Ducketts were told that an emergency control order under section 13 of the 1990 Act was under consideration and given reasons for that course. It seems that the faxed letter giving this information reached Eastside at about 1.47 p.m. and there was very little time to respond. Mr Aldridge, however, did reply, without the benefit of legal advice, arguing that there was no legal or scientific reason for withholding from the market cheese made by Ducketts before the earliest of the suspect dates. At 6.30 p.m. a Minister of State at the department made The Food (Cheese) (Emergency Control) Order 1998 (SI 1998/1277). This order recited that it appeared to the minister that the carrying out of any commercial operation with respect to Ducketts' cheese involved or might involve imminent risk of injury to health. The order prohibited the carrying out of any commercial operation in relation to cheese originating from Ducketts. A duty was imposed on each food authority to enforce and execute the order within its area. The effect of the amendment made on 21 May (SI 1998/1284) was to modify section 9 of the Act so as to provide that a justice of the peace could only decide whether any cheese fell within the terms of the section 13 prohibition and not whether it was fit or unfit. Thus compensation would only be payable if cheese was detained by a local authority which did not fall within the prohibition and not if cheese was detained which, although falling within the prohibition, was not unfit. Although Ducketts were served with a section 9 notice giving effect to the section 13 order in its amended form, Eastside were never served with such a notice.

The Act

Section 9 of the 1990 provides:

“(1) An authorised officer of a food authority may at all reasonable times inspect any food intended for human consumption which --

(a) has been sold or is offered or exposed for sale; or

(b) is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of

preparation for sale;

and subsections (3) to (9) below shall apply where, on such an inspection, it appears to the authorised officer that any food fails to comply with food safety requirements.

(2) The following provisions shall also apply where, otherwise than on such an inspection, it appears to an authorised officer of a food authority that any food is likely to cause food poisoning or any disease communicable to human beings.

(3) The authorised officer may either --

(a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it --

(i) is not to be used for human consumption;
and

(ii) either is not to be removed or is not to be removed except to some place specified in the notice; or

(b) seize the food and remove it in order to have it dealt with by a justice of the peace;

and any person who knowingly contravenes the requirements of a notice under paragraph (a) above shall be guilty of an offence.

(4) Where the authorised officer exercises the powers conferred by subsection (3)(a) above, he shall, as soon as is reasonably practicable and in any event within 21 days, determine whether or not he is satisfied that the food complies with food safety requirements and --

(a) if he is so satisfied, shall forthwith withdraw the notice;

(b) if he is not so satisfied, shall seize the food and remove it in order to have it dealt with by a justice of the peace.

(5) Where an authorised officer exercises the powers conferred by subsection (3)(b) or (4)(b) above, he shall inform the person in charge of the food of his intention to have it dealt with by a justice of the peace and --

(a) any person who under section 7 or 8 above might be liable to a prosecution in respect of the food shall, if he attends before the justice of the peace by whom the food falls to be dealt with, be entitled to be heard and to call witnesses; and

(b) that justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under that section in relation to that food.

(6) If it appears to a justice of the peace, on the basis of such evidence as he considers appropriate in the circumstances, that any food falling to be dealt with by him under this section fails to comply with food safety requirements, he shall condemn the food and order --

(a) the food to be destroyed or to be so disposed of as to prevent it from being used for human consumption; and

(b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the food.

(7) If a notice under subsection (3)(a) above is withdrawn, or the justice of the peace by whom any food falls to be dealt with under this section refuses to condemn it, the food authority shall compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

(8) Any disputed question as to the right to or the amount of any compensation payable under subsection (7) above shall be determined by arbitration."

The expressions "food authority" and "authorised officer" are defined in section 5 (1), (2) and (6) respectively, but nothing turns on those definitions. It is plain from section 9(2) and (3) that the section provides for action by food authorities in relation to specific food held by specific persons. It is also plain from subsections (3)(a) and (4) that on giving notice under subsection (3)(a) the authorised officer has a maximum of 21 days in which to decide either to withdraw the notice or to seek condemnation of the food by a justice of the peace. If the food is seized under subsection (3)(b) or (4) (b) the authorised officer is obliged to seek condemnation of the food by a justice of the peace: this action is subject to no statutory time limit, but since there is a liability to pay compensation if the food is not condemned, and the compensation is for depreciation in the value of the food resulting from the action taken by the authorised officer, the officer has a strong incentive to bring the matter before the justice of the peace as promptly as possible. Section 9 of the 1990 Act derives from section 10 of the

Food and Drugs Act 1938, which in turn derives from section 116 of the Public Health Act 1875. It is established that under these sections a justice of the peace acts administratively and not judicially, with the result that there is no appeal to the crown court under section 108 of the Magistrates' Courts Act 1980: see *R v Cornwall Quarter Sessions ex parte Kerley* [1956] 1 WLR 906. Thus the decision of a justice can be challenged only by way of judicial review.

Section 13 of the 1990 Act provides:

- “(1) If it appears to the Minister that the carrying out of commercial operations with respect to food, food sources or contact materials of any class or description involves or may involve imminent risk of injury to health, he may, by an order (in this Act referred to as an ‘emergency control order’), prohibit the carrying out of such operations with respect to food, food sources or contact materials of that class or description.
- (2) Any person who knowingly contravenes an emergency control order shall be guilty of an offence.
- (3) The Minister may consent, either unconditionally or subject to any condition that he considers appropriate, to the doing in a particular case of anything prohibited by an emergency control order.
- (4) It shall be a defence for a person charged with an offence under subsection (2) above to show —
 - (a) that consent had been given under subsection (3) above to the contravention of the emergency control order; and
 - (b) that any condition subject to which that consent was given was complied with.
- (5) The Minister —
 - (a) may give such directions as appear to him to be necessary or expedient for the purpose of preventing the carrying out of commercial operations with respect to any food, food sources or contact materials which he believes, on reasonable grounds, to be food, food sources or contact materials to which an emergency control order applies; and
 - (b) may do anything which appears to him to be necessary or expedient for that purpose.

- (6) Any person who fails to comply with the direction under this section shall be guilty of an offence.
- (7) If the Minister does anything by virtue of this section in consequence of any person failing to comply with an emergency control order or a direction under this section, the Minister may recover from that person any expenses reasonably incurred by him under this section.”

Section 13 is supplemented by section 48 of the Act which provides, so far as material:

- “(1) Any power of the Ministers or the Minister to make regulations or an order under this Act includes power —
 - (c) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the Ministers or the Minister considers necessary or expedient.
- (2) Any power of the Ministers or the Minister to make regulations or orders under this Act shall be exercisable by statutory instrument
- (3) Any statutory instrument containing —
 - (b) an order under this Act other than an order under section 60(3) below,
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Thus an emergency control order under section 13 is made by a Minister in contrast with a notice issued under section 9, or a seizure under that section, which is given or effected by the food authority. An emergency control order may be directed to all food authorities, as this order was, and not to a specific person in charge of specific food. The emergency control order need not relate to specific identified food. Such an order is, as section 48(3) makes clear, subject to parliamentary

annulment, but it does not provide for compensation and may be in terms which limit or exclude the right to compensation under section 9.

Plainly, an order made under section 13 is wider in its scope and more draconian in its operation, particularly when made in the amended form adopted here, than a notice given or action taken under section 9. Section 13 empowers the central government to act in response to a perceived emergency: this is recognised by the name given to the section 13 order and by the pre-condition of making a section 13 order, that it must appear to the Minister that the carrying out of commercial operations with respect to any food involves or may involve imminent risk of injury to health.

In referring to these sections, the judge spoke of a 'hierarchy of powers': the secretary of state initially challenged this description, but did not pursue his challenge. The judge was in our opinion correct when he observed (at page 32F of the transcript of his judgment):-

“If Section 9 powers are considered to be equally effective, then it is those powers which should be exercised. Any other approach offends the principle of proportionality which the Department accepts to be applicable. The exercise of Section 9 powers, if they would be equally effective, would be a less restrictive alternative (see the argument of the Crown in *R v MAFF ex parte Roberts* [1991] 1 CMLR 555 at 575). That approach is confirmed in the guidance which refers to Section 13 powers being exercisable only in exceptional circumstances.”

In speaking of 'guidance' the judge was referring to a code of practice issued under section 40 of the Act, to which food authorities were required to have regard in carrying out their functions under the Act. Our attention was drawn to this code in argument, in particular to show the extent to which effective action in any locality ultimately depends on action by the food authority.

The judge's findings

The judge made a number of findings which are important and which (subject to one qualification noted below) are not challenged on this appeal. References are to the transcript of his judgment.

1. By 19 May the cause and period of contamination of Ducketts' cheese production were still unknown. It had previously been thought that a satisfactory sampling programme could be devised. This was now considered impossible (pages 29 C-D).
2. The information concerning the Mendip sample was a significant factor in reaching the decision to seek a section 13 order. It was not unreasonable for those attending the meeting on 19 May to rely on the information then available (pages 29D, 30B-C).
3. The department were entitled on 19 May to reach the conclusion that while it remained ignorant as to the cause and period of contamination, all cheese from Ducketts should be

regarded as unsafe (pages 30F, 42G).

4. Since the department could reasonably take the view that all Ducketts' production should be regarded as unsafe and the source and period of contamination were unknown, there was an imminent risk of injury to health (pages 31A-E, E, 43A).

5. It was reasonable for the department on 19 May to take the view that reliance should no longer be placed on voluntary arrangements (page 35C).

6. The circumstances known to the authorities on 19 May were such as to require immediate action by the central government rather than relying on local authorities throughout the United Kingdom who would act with varying degrees of expedition (page 37A-C, G).

7. It was open to the department to take the view that speedier and more effective protection would be afforded to the public by an order under section 13 than by leaving food authorities to act under section 9 (pages 40F, 43A).

The qualification to be noted is that both Eastside and Ducketts criticised the test of proportionality

applied by the judge.

The Secretary of State's appeal

The judge found against the secretary of state on the ground that he had wrongly taken account of considerations of administrative convenience which should not have weighed with him. In reaching this conclusion, the judge attached importance to the reference to 'logistical problems that could be faced by EHDs' in paragraph 12 of the minutes of the meeting of 19 May quoted above. The judge also attached importance to three passages in affidavits sworn by Mr Curtis. They were to the following effect:

"57. The meeting [of 19 May] was also concerned that there was a possibility that some local authorities might resist taking formal action for cheeses in their area where they felt there was a danger of legal costs falling to them. The point was made during the discussion, by Mr Furlong and supported by Mr Barton [local authority environmental health officers], that, in view of the widespread distribution (including Scotland and Wales), this was an issue on which the Department should take the lead to secure the withdrawal of products from sale." [Affidavit sworn 29 September 1998]

"62. The primary advantage of the proposed course of action was that it provided the most effective way to safeguard public health. It also avoided local authorities having to take individual enforcement action, with the risk that some would fail to do so. A further risk was that such actions might be challenged in a number of different courts. If this occurred, DH would not have the resources to support individual LAs and feared inconsistent decisions around the country which would be difficult to challenge quickly enough to prevent release of contaminated cheese." [Ibid.]

“9. We also considered that action on a national basis was needed due to our concern as to whether local authorities would be willing to take the necessary action locally. During the course of the investigation I became aware through my contacts with local authorities that some enforcement officers would be reluctant to commit their authority to taking action to detain suspect products where they might subsequently become liable for compensation and legal costs. This concern stems from the well publicised judgment in the Scottish courts where the local authority failed to satisfy the Sheriff that unpasteurised cheese containing *Listeria monocytogenes* (bacteria which can cause listeriosis, an illness which is hazardous to pregnant women as it can cause miscarriage) was unfit for human consumption. The local authority in this case was ordered to pay costs and compensation.” [Affidavit sworn 3 November 1998].

The judge had accepted that the department could reasonably take the view that immediate effective action by central government was called for and that food authorities would act with varying degrees of expedition, and accepted, although reluctantly, that fears of inaction were a relevant and legitimate factor to be taken into account (page 37G). His reasons for ruling against the secretary of state on this ground were these:

“The phrase ‘logistical problems’ seems to me more apt to cover the problem to which Mr Curtis refers in paragraph 62 of his first affidavit that the Department of Health would not have sufficient resources to support individual Local Authorities taking action in different courts. That seems to me to smack of administrative inconvenience. Whilst I accept that it was open to the Department to take the view that food authorities would need to rely upon expert evidence obtained from the Department of Health, I cannot understand why that would pose insuperable difficulties. If, as the Department believed, it was necessary to test batches of cheese to destruction, such tests would either reveal the presence of E-coli 0157 in which case no compensation would be payable, or they would demonstrate that the organism was not present. It does not seem to me to have been open to the Department to take the view that the time and expense of testing seized batches of cheese to destruction was so onerous as to justify action under Section 13. After

all, until such cheese was tested to destruction, no one has suggested that authorities would be compelled to permit the release of cheese onto the market.

I am also concerned as to the reference to the risk, in paragraph 62 of Mr Curtis's first affidavit, that actions might be challenged in a number of different courts. I do not understand why that should give rise to such fears as to justify action under section 13. Mr Curtis says that the Department feared inconsistent decisions which would be difficult to challenge quickly enough to prevent release of the contaminated cheese. I do not understand what he means by inconsistent decisions. Any batch of cheese seized would, on the Department's understanding, have to be tested to destruction. If that cheese was free of E-coli 0157, then the food authority would not have been able to satisfy a justice of the peace that it failed to comply with food safety requirements. If another batch of cheese was tested and proved positive, the food authority would succeed. That does not give rise to any inconsistency at all; it is merely a question of some cheese proving positive and some negative. There would be no need to challenge any decision, after testing, because the cheese in question would, in the light of the Department's conclusion that testing was necessary to destruction, not be available for consumption in any event. Moreover, I repeat, pending testing of a particular batch of cheese, I do not see how there could be any fear that it would be released notwithstanding that it might be contaminated. In my judgment, analysis of this part of the reasoning discloses a flawed approach. The fear as to absence of resources was not, in my judgment, a legitimate consideration. Both the statute and the code in my judgment support the proposition that Section 13 action should only be taken where it was the only means of providing quick and effective protection. Fears as to absence of adequate resources to support food authorities taking action under Section 9 is a consideration which finds no place in the statutory scheme. In addition the fears of inconsistent decisions do not stand the analysis that this court must undertake when considering whether the evaluation by the Department contained a patent or manifest error. In my judgment that evaluation in its reference to the fears of inconsistent decisions was manifestly in error."

Underlying this reasoning, the secretary of state contends, is a misunderstanding by the judge of the department's approach to testing to destruction. Because of the special characteristics of the E-coli 0157 organism, a cheese could only be found to be uncontaminated if each and every part of it was tested to destruction. The department did not, however, at any stage suggest that such testing to

destruction should be carried out, or was feasible. At the relevant time, Eastside held over 4 tonnes of ex-Ducketts' cheese. The evidence was that samples of 25 grams needed to be tested. This meant that, for Eastside's cheese alone, over 160,000 samples would have to be tested. The scale of this exercise, the secretary of state submits, ruled it out as a practical possibility.

The secretary of state also criticises the judge's approach to 'logistical problems' and the risk of inconsistent decisions. He points out that the department were, on the judge's finding, entitled to conclude that all Ducketts' cheese was unsafe and that there was or might be an imminent threat to the life and health of members of the public if any of it were released onto the market. If food authorities were to take urgent action under section 9, having identified stocks of Ducketts' cheese in their areas, they would have, in almost every case, to do so in reliance on evidence received from the department. They would in all probability have no evidence of their own. They were subject to constraints of time in deciding what action to take. If food authorities withdrew notices issued under section 9 for want of evidence to support a complaint of unfitness, there was an obvious possibility that contaminated cheese might reach the market. If on the other hand they seized cheese and sought condemnation orders from a justice of the peace, it was to be expected that some cheese-owners would contest the complaint of unfitness, perhaps adducing sampling evidence to support the contention that their cheese was not contaminated. To rebut that case, it would be necessary for food authorities to call evidence to substantiate the grounds of their complaint and (perhaps) to criticise the reliability of the owners' samples. The prime source of authoritative evidence on the safety of the cheese was, inevitably, the department, which could reasonably expect urgent demands for assistance from all over the country. This could not in truth be regarded as a 'logistical problem', but as an impediment to affording the public the protection for which the situation was judged to call. Nor, the secretary of state argues, can the risk of inconsistent decisions be dismissed as the judge did. Even if it were the case that most justices of the peace upheld the food authorities' contentions, some might not: in such cases, there was no opportunity for a speedy challenge, and every cheese released into the market represented (on the

findings made), a threat to the life and health of the public. By 19 May there were already more than 100 local authorities involved, and it was unknown how many of the remaining 300 local authorities might become involved. The scope for aberrant decisions was, the secretary of state argues, considerable.

Eastside and Ducketts reject these criticisms and support the judge's approach. There was, they say, no evidence before the judge that testing to destruction was impracticable. They draw attention to the powers of the central government to compel action by local authorities even in the absence of an order under section 13. They rely on the necessary participation of local authorities in enforcing action whether under section 9 or section 13. They suggest that the evidential problems described by the secretary of state are exaggerated, and dismiss the risk of inconsistent decisions by suggesting that no contaminated cheese could reach the market since cheese would either be found, on testing, to be contaminated, in which case it would be condemned, or it would be tested to destruction and found to be uncontaminated, in which case it would not reach the market.

We accept the criticisms made by the secretary of state of the judge's ruling on this aspect. The considerations which led the authorities to conclude, on 19 May, that an emergency control order was appropriate cannot, in our judgment, be fairly described as considerations of administrative convenience. Since 2 May the department had carefully and cautiously explored the possibilities of taking action less drastic than under section 13. It had not precipitately resorted to action under this section. But by 19 May, the scale of the potential problem, the gravity of the potential threat and the uncertainty still surrounding the source and duration of the contamination led all the authorities involved to conclude that the protection of the public required action under section 13. We can discern no failure by the authorities to concentrate on matters which were properly the subject of their attention or to take account of matters which were not.

Having found that the department had taken account of irrelevant considerations, the judge

went on to consider whether the same decision would have been reached even if the department had not done so. He was unable to conclude that the same decision would have been reached and so held that the reliance on irrelevant considerations invalidated the decision. The secretary of state criticises this conclusion; Eastside and Ducketts support it.

The judge prefaced this part of his judgment by ruling (page 42F):

“The Department was entitled to conclude that:-

1. Ducketts’ cheese was unsafe
2. That since the source and period of contamination was unknown and the destination of its distribution unknown, the risk of injury was imminent.
3. Bearing in mind different food authorities would act with different degrees of urgency and could not be compelled to act, Section 13 was the proportionate means for providing quick and effective protection.”

Given these conclusions and accepting that the department was entitled to reach them, as the judge held, we consider that the department would in all probability have reached the same decision, if indeed it was not bound to do so, whether or not account had been taken of the matters which the judge held to be irrelevant. The department faced the classic dilemma of any regulator: if strong action is taken and the apprehended harm to the general public does not ensue, the authority is criticised for taking unnecessarily draconian action and causing damage which would otherwise have been avoided; if, on the other hand, the authority holds its hand and harm does follow, the authority is castigated for abdicating its responsibility to exercise powers which Parliament has conferred for dealing with such a

situation. The danger of hindsight is obvious. At the time, perceiving an imminent threat to the life and health of the public, the department was bound to regard the need to take quick and effective action as paramount. We differ from the judge on this issue.

Exemption of Eastside

By a respondent's notice, Eastside argue that even if it was appropriate for the secretary of state to make an order under section 13, he should in all the circumstances have excepted Eastside from the operation of that order. Before the judge the secretary of state contended that there was no power to make such an exception under the Act but the judge held that there was and the secretary of state now accepts that, in making a section 13 order, the secretary of state could have provided an exception in relation to Eastside under section 48(1)(c) of the Act. He points out, however, correctly in our view, that section 13(3) of the Act has a somewhat different effect, by empowering the minister to consent in a given case to something which is prohibited by the order.

If, therefore, the secretary of state could have excepted Eastside from the operation of the section 13 order, the question arises whether he acted unlawfully by failing to do so. Eastside contend that he did. They rely on the facts that Eastside had from the beginning complied voluntarily with the requests made of them; that they had given notice to their local district council before delivering cheese to a wholesaler, and had then only delivered cheese produced before the suspect dates; that although protesting that the restraints they were asked to observe were unnecessarily wide, they had not sought to violate the régime which they had accepted; that no evidence of contamination had been found in samples of cheese held by them; and that all Ducketts' cheese held by them was clearly marked and identified. In this situation, Eastside contend, they should have been exempted from the section 13 order and made subject only to a section 9 order, which would have enabled them to establish that their cheese was not contaminated and to claim compensation for any depreciation in the value of the cheese

which they had suffered as a result of the local authority's action.

The judge did not accept this argument. He held (page 41D):

“In my judgment it would have been inconsistent with the exercise of the powers under section 13 to make an exception in the case of Eastside. It is true that Eastside had been identified as an outlet for Ducketts' cheese and thus in its particular case a section 9 action, would have served to prevent distribution of that cheese. But in my judgment it would have been inconsistent with the scheme of the Act to allow one distributor the benefit of section 9 action, whilst imposing prohibition in relation to all other commercial operations under section 13. Other distributors which had been identified would have had to be given a similar opportunity to challenge the safety of particular cheeses under section 9 and once further outlets had been identified, they too should have been afforded the advantages of section 9 action to which Eastside claims it was entitled. Any other approach, which permitted only Eastside the advantage of section 9 action would have been inconsistent. If section 13 action was appropriate on the part of central government the statute envisages nation-wide effect. In those circumstances the complaint that no exception was made in the case of Eastside appears to me to be without substance. Moreover Eastside's assertion that there was no possibility of any commercial operation in relation to Ducketts' cheese on the part of Eastside does not stand comfortably with the letter sent on its behalf to Tandridge District Council of 20.5.98 which stated:

“We understand E-coli 0157 was associated from a batch of cheese around the 4th or 5th of April at Walnut Tree Farm (Ducketts). We therefore require the immediate release of the cheeses being detained which were supplied to our client to mature within the next week/ two days.”

The basis upon which that requirement was made was wrong. As I have already pointed out, the contamination could not at that date be associated merely with production dates of the 4 or 5 April.”

We agree with the judge. We readily understand the sense of grievance felt by Eastside as an innocent recipient of Ducketts' cheese, but the department had properly to be alive to the complaints of

unfair discrimination which would be made by other innocent recipients of Ducketts' cheese if Eastside were to receive more favourable treatment. If Eastside could make a persuasive case for relaxation of the section 13 order in relation to them, or any of the cheese held by them, it was open to them to seek the minister's consent under section 13(3). It cannot in our view be said that the secretary of state erred in law in failing to exempt Eastside from the section 13 order.

Proportionality

It was common ground before the judge that since the exercise of powers under section 13 of the 1990 Act interfered with the operation of Article 34 of the EC Treaty, such exercise had to be justified under Article 36 of the Treaty which does not preclude "prohibitions justified on grounds of ..the protection of health and life of humans ..". It was accepted that the judge should adopt the same approach to proportionality as would be adopted by the European Court of Justice. The judge made reference to *R v Minister of Agriculture, Fisheries and Food ex parte Roberts* [1991] 1 CMLR 555, *R v Minister of Agriculture, Fisheries and Food ex parte National Federation of Fishermen's Organisations* [1995] ECR I - 3115, *R v Chief Constable of Sussex ex parte International Trader's Ferry Limited* [1998] QB 477 and *R v Ministry of Agriculture, Fisheries and Food ex parte First City Trading Limited* [1997] 1 CMLR 250. He concluded (at page 27D):

"if grounds manifestly do not justify the making of an order under Section 13 then this court will interfere. Moreover if the objective which the prohibition was designed to achieve, namely the avoidance of injury to health by consumption of Ducketts' cheese could have been achieved by lesser measures then this court should declare that the Department misused its powers."

Eastside and Ducketts contend that the judge applied the wrong test of proportionality.

The principle of proportionality is one of the basic principles of Community law. It has been expressed by the European Court of Justice in *R v MAFF ex parte Fedesa* [1990] ECR I - 4023, 4063 (paragraph 13) in the following terms:

"By virtue of that principle, the lawfulness of the prohibition of an economic activity is subject to the condition that the prohibitory measures are appropriate and necessary in order to achieve the objectives legitimately pursued by the legislation in question; when there is a choice between several appropriate measures recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued."

Because the principle is so general (and may affect a range of issues from the validity of primary legislation such as the Shops Act 1950 to much narrower points such as the quantum of penalties for customs infringements) it must be related to the particular situation in which it is invoked. In this case the issue is whether the prohibitory action taken by the Secretary of State under section 13 of the 1990 Act was justifiable under Article 36 of the Treaty on grounds of "protection of health and life of humans."

Eastside and Ducketts submit that the application of the principle required a two-stage approach, and that the judge had failed to carry out the balancing exercise required at the second stage. Sometimes a three-stage approach has been adopted, as in the opinion of Mr Advocate-General Van Gerven in *SPUC v Grogan* [1991] ECR I - 4685, 4726 (paragraph 35):

"I consider that the following points should be considered on the basis of the principle of proportionality. First, does the prohibition ... which is at issue pursue a legitimate aim of public interest which fulfils an imperative social need. Secondly, is that aim being realized using means which are necessary (and acceptable) in a democratic society in order to achieve that aim ? Thirdly, are the means employed in

proportion to the aim pursued and is the fundamental right concerned ...
impinged upon as a result ?"

However the test is formulated, it is clear that in the application of Article 36 the maintenance of public health must be regarded as a very important objective and must carry great weight in the balancing exercise. In *De Peijper* [1976] ECR 613, 635 (paragraph 15) the Court of Justice said that health and the life of humans rank first among the interests protected by Article 36, and it is for member states to decide (within the limits imposed by the Treaty) what degree of protection to provide. There are similar observations in *Fedesa* at 4051, paragraph 42 (Mr Advocate General Mischo) and 4063 - 4, paragraphs 16 - 17 (ECJ).

The parties to this appeal differ as to the scope of judicial review of the proportionality of national measures or action. The secretary of state submits that the English court is not required to adopt the role of prime decision-maker, and cites the decision of the House of Lords in *R v Chief Constable of Sussex ex parte International Trader's Ferry Ltd.* [1998] 3 WLR 1260 (at pp. 1277, 1287 and 1289) in support of that submission. But the passages relied on do not support such a wide submission (and in any event *International Trader's Ferry* was, for the reasons mentioned by Lord Hoffmann at pp. 1283 - 4, far from a typical case for applying Articles 34 and 36).

In principle the decision on proportionality has to be taken by the national court which is seised of an issue on Article 36, subject of course to any possible reference to the Court of Justice (the collaboration called for between the Court of Justice and national courts is described in the opinion of Mr Advocate-General Van Gerven in *Rochdale BC v Anders* [1992] ECR I 6457, 6474 - 5, paragraph 19). But in the case of a legislative measure the national court must not simply accept the view of the national legislature or confine itself to deciding whether what the legislature has enacted is reasonable (see the same opinion at I - 6480, paragraph 27, citing *Miro* [1985] ECR 3731).

Nevertheless it is clear that the national legislature has a considerable margin of appreciation, especially in legislating on matters which raise complex economic issues connected with the Community's fundamental policies. In *Fedesa* the Court of Justice said (paragraph 14, immediately after the passage already cited),

"However, with regard to judicial review of compliance with those conditions it must be stated that in matters concerning the common agricultural policy the Community legislature has a discretionary power which corresponds to the political responsibilities given to it by Articles 40 and 43 of the Treaty. Consequently, the legality of a measure adopted in that sphere can be affected only if the measure is manifestly inappropriate having regard to the objective which the competent institution is seeking to pursue (see in particular the judgment in *Schrader* [1989] ECR 2237, paragraphs 21 and 22)."

The same approach can be seen in *Aragonesa v DSSSG Cataluna* [1991] ECR I - 4151, 4184-5 (paragraphs 17 to 18); *Germany v Council* [1994] ECR I - 4973, 5068 - 9 (paragraphs 89 - 91); *R v MAFF ex parte NFFO* [1995] ECR I - 3115, 3130 (paragraph 28); *UK v Commission* [1996] ECR I - 5755, 5811 (paragraph 58); and *Commission v Council* [1996] ECR I -881, 924 (paragraph 18), in which the Court of Justice stated,

"In reviewing the exercise of such a power the Court must confine itself to examining whether it contains a manifest error or constitutes a misuse of power or whether the authority in question did not clearly exceed the bounds of its discretion (see the judgment in *Roquette Freres v Council* [1980] ECR 3333, paragraph 25)."

The secretary of state also relies on *Upjohn v Licensing Authority* [1999] 1 WLR 927, ECJ.

In that case the Court of Justice stated (at page 945, paragraph 34),

"According to the court's case law, where a Community authority is called on, in the performance of its duties, to make complex assessments, it enjoys a wide measure of discretion, the exercise of which is subject to a limited judicial review in the course of which the Community judicature may not substitute its assessment of the facts for the assessment made by the authority concerned. Thus, in such cases, the Community judicature must restrict itself to examining the accuracy of the findings of fact and law made by the authority concerned and to verifying, in particular, that the action taken by that authority is not vitiated by a manifest error or a misuse of powers and that it did not clearly exceed the bounds of its discretion."

(This was followed by numerous citations: see also the opinion of Mr Advocate-General Leger at page 937, paragraph 50). That case was concerned with the Community-wide system for authorising the marketing of proprietary medicines under Council Directive 65/65 and later directives, which require each member state to have a competent national authority which has power to grant, refuse, revoke or suspend licences in accordance with the directives. But on being notified of an adverse decision the party is to be informed (under article 12 of Directive 65/65) "of the remedies available to him under the laws in force" - in that case, the Medicines Act 1968 as extensively amended pursuant to section 2 of the European Communities Act 1972. It was therefore a situation in which the directive itself contemplated some form of judicial review, and the Court of Justice has in effect confirmed that judicial review on the English model was in those circumstances an adequate form of review by the national court. Proportionality as such was not an issue. Eastside and Ducketts are right to submit that *Upjohn* is not directly in point. It does however illustrate that on public health issues which require the evaluation of complex scientific evidence, the national court may and should be slow to interfere with a decision which a responsible decision-maker has reached after consultation with its expert advisers.

Eastside and Ducketts submit that *Fedesa*, and the numerous cases following *Fedesa*, are also distinguishable since in those cases the Court of Justice approved the application of a special test

in special circumstances. In this case, it is submitted, the court should apply what counsel called the orthodox test, requiring a critical reevaluation of all the factors bearing on proportionality. But there seems to be no good reason in principle or authority for two sharply different tests. The margin of appreciation for a decision-maker (which includes, in this context, a national legislature) may be broad or narrow. The margin is broadest when the national court is concerned with primary legislation enacted by its own legislature in an area where a general policy of the Community must be given effect in the particular economic and social circumstances of the member state in question. The margin narrows gradually rather than abruptly with changes in the character of the decision-maker and the scope of what has to be decided (not, as the secretary of state submits, only with the latter).

This appeal is not concerned with whether the enactment of section 13 of the 1990 Act was itself a disproportionate measure to deal with the grave threat to public health posed by unfit food. The challenge is to the secretary of state's exercise of his power under section 13 in the particular factual situation which arose in May 1998. The judge examined the evidence critically and in great detail. The judge's task was (so far as Article 36 was concerned) to see whether the exercise of the secretary of state's power under section 13 of the 1990 Act had been objectively justified and had been shown not to be disproportionate. The test is more demanding than that of "manifest error" and is also more demanding than that of *Wednesbury* unreasonableness (although in *ex parte ITF*, Lord Slynn, at page 1277, thought that the same result is often produced under both tests). The difference between the two tests has been lucidly described by Laws J in *R v MAFF ex parte First City Trading* [1997] 1 CMLR 250, 278 - 9; the whole passage repays close study; its conclusion is that,

"*Wednesbury* and European review are different models - one looser, one tighter - of the same juridical concept, which is the imposition of compulsory standards on decision-makers so as to secure the repudiation of arbitrary power."

This appeal must be approached on the basis that the secretary of state, in making the emergency control orders on 20 and 21 May 1998, was not entitled to the broad margin of appreciation which might be accorded to primary legislation enacted by a national legislature. He is however entitled to the narrower margin of appreciation appropriate to a responsible decision-maker who is required, under the urgent pressure of events, to take decisions which call for the evaluation of scientific evidence and advice as to public health risks, and which have serious implications both for the general public and for the manufacturers, processors and retailers of the suspect cheese.

The judge did observe these principles and did perform the necessary balancing exercise. Although he referred to what the Court of Justice said in the *NFFO* case (which was concerned with the Sea Fish Licensing (Time at Sea) (Principles) Order 1993), he also referred to *First City Trading* and correctly concluded that he should scrutinise the grounds of justification put forward by the secretary of state. His decision cannot be challenged as having applied the wrong test of proportionality.

Failure to consider compensation

Ducketts submit that the secretary of state erred in law by failing to take account of the fact that Ducketts and others in the same position would be denied compensation under the section 13 order. It does not appear that this point was relied on before the judge, with the result that no evidence was expressly directed to it, and it is not a point raised in either of the respondent's notices.

It is however plain that at the meeting on 19 May the representative of Eastside's local district council did explain the financial implications to Eastside of detaining £30,000 worth of cheese. He was, we infer, drawing attention to the obvious fact that detention of the cheese was having a very

damaging effect on Eastside's business. Under the section 9 notice issued to Eastside on the same day, the company was entitled to compensation for depreciation in value of the detained cheese if the notice were withdrawn or a justice of the peace refused to condemn the cheese. It was obvious that any order which deprived Eastside of that right was bound to be, potentially, damaging to its interests. The view of the meeting was, however, that there was (as it was put in the letter to Eastside on 20 May) no effective alternative to taking "immediate action to prevent the sale and distribution of any Ducketts cheese". We cannot conclude that the secretary of state, when deciding to make the order, was unmindful of the effect the order was likely to have on Eastside and others in the same position. In any event we would think it wrong to reach this conclusion in the absence of evidence directed to the issue.

Article 1 of Protocol 1 of the European Convention on Human Rights

Ducketts and Eastside submit that the secretary of state may not rely on Article 36 of the EC Treaty to justify the breach of Article 34 since the making of the section 13 order violates their fundamental rights guaranteed by Article 1 of Protocol 1 of the European Convention on Human Rights and Article 36 cannot, they argue, be relied on to justify such a breach. This was not an argument advanced before the judge. If reliance was to be placed upon it, it should have been relied upon before him. We have grave reservations whether we should permit the matter to be argued for the first time in this court. But since we have heard argument, it may be appropriate to express brief conclusions.

Article 1 of the First Protocol provides:

"Every natural or legal person is entitled to the peaceful enjoyment of

his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

In *Bosphorus Hava Yollari Turizm Ve Ticaret AS v Minister for Transport, Energy and Communications, Ireland* [1996] ECR I - 3953 at 3973, in paragraph 57, Mr Advocate-General Jacobs helpfully summarised the approach of the Court of Human Rights to this article:

“In a line of cases starting with *Sporrong and Lönnroth* the European Court of Human Rights has held that Article 1 of the First Protocol comprises three distinct rules. The first rule, set out in the first sentence of the first paragraph, is of a general nature and enunciates the principle of peaceful enjoyment of property; the second rule, contained in the second sentence of the same paragraph, covers deprivation of possessions and makes it subject to certain conditions; and the third rule, stated in the second paragraph, recognises that the contracting States are entitled to control the use of property in accordance with the general interest. The three rules are not distinct in the sense of being unconnected; the second and third rules are concerned with particular instances of interference with the right to peaceful enjoyment of property and should therefore be construed in the light of the general principle enunciated in the first rule.”

The court must look behind the appearances and investigate the realities of the situation complained of (see *Sporrong and Lönnroth v Sweden* (1982) 5 EHRR 35 at 51, paragraph 63), and it would seem clear that the effect of the section 13 order made in this case was to interfere with the peaceful enjoyment by Ducketts and Eastside of the cheeses which belonged to them. We are doubtful whether

the present case is one in which the effect of the order was to deprive them of their possessions: there was no transfer of ownership from them to the state or any other party; the section 13 order could have been revoked at any time, and if revoked could have ceased to have any effect; and it was always open to Ducketts and Eastside to seek the minister's consent under section 13(3) of the Act. In a deprivation case the availability of compensation is a relevant consideration. In *Holy Monasteries v Greece* (1994) 20 EHRR 1 at page 48, paragraph 71, the European Court said:

“In this connection, the taking of property without payment of an amount reasonably related to its value will normally constitute a disproportionate interference and a total lack of compensation can be considered justifiable under Article 1 only in exceptional circumstances.”

Such a rule is readily understandable where the state is itself assuming ownership of property belonging to another, or where property is being transferred from one citizen to another. It appears to us to have very much less force where, in a case such as the present, the object of the measure is to restrain the use of property in the public interest. If, however, the general rule stated by the court concerning compensation has any application to a situation such as faced the secretary of state, we would have little hesitation in holding that the circumstances were sufficiently exceptional to displace it.

The present case is in our judgment much more appropriately regarded as one in which the state deemed it necessary to control the use of property in accordance with the general interest. Although the *Holy Monasteries* case was concerned with deprivation, it would seem to us that the observations of the court at page 48, paragraph 70 are relevant:

“70. An interference with peaceful enjoyment of possessions must strike a “fair balance” between the demands of the general interests of the community and the requirements of the protection of the individual’s fundamental rights. The concern to achieve this balance is reflected in the structure of Article 1 as a whole, including therefore the second sentence, which is to be read in the light of the general principle enunciated in the first sentence. In particular, there must be a reasonable relationship of proportionality between the means employed and the aim sought to be realised by any measure depriving a person of his possessions.”

Thus there must be proportionality between the means employed and the ends sought to be achieved, and a fair balancing of the interests of the public and those of private individuals. While the court must never abdicate its duty of review, it will accord a margin of appreciation to the decision-making authority. Particularly must this be true, in our view, where the decision-making authority is responding to what it reasonably regards as an imminent threat to the life or health of the public.

No doubt the secretary of state appreciated when making the section 13 order that its effect might well be to lead to the destruction of cheeses held by Ducketts and Eastside and others in the same position. These cheeses were, however, reasonably regarded as unsafe. Had they ceased to be so regarded, the order would, we assume, have been revoked. On the present facts we can see no room for an argument that the emergency action taken by the secretary of state involved an unjustified violation of fundamental human rights on the part of Ducketts and Eastside.

We would accordingly allow the appeal by the secretary of state and reject the grounds advanced by Eastside and Ducketts in their respondents’ notices.

This is the judgment of the court.

ORDER: (Not part of judgment)

Appeal allowed; order of judge to be set aside with the exception of his order as to costs; no order as to costs; leave to appeal refused.
