

<b>Name of Officer</b>	Peter Narancic						
<b>Type of Application</b>	Grant of a Premises Licence - Licensing Act 2003						
<b>Name of Premises</b>	Oxford Road Supermarket						
<b>Address</b>	267 - 271 Oxford Road						
	Reading						
	RG1 7PY						
<b>Licensable Activities</b>	Sale by Retail of Alcohol						
<b>Finish Times</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
	X	X	X	X	X	X	X

**Content of Application**

The application seeks to:

1.	Hours for Supply of Alcohol (off premises)	Monday - Sunday	07.00 to 24.00 hours
2.	Hours premises open to public	Monday - Sunday	07.00 to 24.00 hours

**Officer comments**

The Licensing team wish to make a representation in relation to the above application submitted on behalf of Oxford Road Supermarket Limited for the premises known as Oxford Road Supermarket, 267 - 271 Oxford Road, Reading. We do not believe the measures outlined in the operating schedule are robust enough to ensure the promotion of the four licensing objectives - the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm to operate a large off-licence premises in a challenging residential area with current issues up to midnight, 7 days a week.

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

up enough money for another can. During this time the individuals are getting more intoxicated which can lead to intimidating behaviour, public indecency and general public nuisance.

Currently there are six reviews of premises licences brought by Thames Valley Police of similar Convenience stores which sell alcohol located in the Oxford Road, either side of this new proposed premises. These have been fully supported by Reading Borough Council, Ward Councillors and residents groups. We would expect any new grant applications to take note of the issues surrounding these reviews.

Sections 8.41 to 8.49 of the Secretary of State's Guidance outline what applicant's should consider when they are filling out their operating schedule - including sufficient measures and why those measures are deemed sufficient. Section 18 (6) of the Licensing Act 2003 makes clear that representations should be about the likely effect of granting a licence on the promotion of the licensing objectives. The case law of *East Lindsey DC v Abu Hanif* also clearly outlines that the licensing objectives require a prospective consideration of what is warranted in the public interest having regard to the twin interests of prevention and deterrence. In other words, responsible authorities do not have to wait for the licensing objectives to be undermined before considering taking action to prevent and deter that action from taking place in the first place. Further, the licensing authority cannot just simply duplicate what is in the operating schedule of an application - particularly if it is unclear or likely to be unenforceable (sections 10.4 to 10.7 of the guidance)

I refer to Section 18 (6) of the Licensing Act in regard to the likely effect the granting of a licence would have on the promotion of the licensing objectives and sections 8.41 to 8.49 of the Secretary of State's Guidance which deals with the information that applicants should provide to the licensing authority in order to actively promote the licensing objectives.

#### **Secretary of State's Guidance**

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to **demonstrate knowledge of their local area** when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

Reading Borough Council Licensing Policy statement (2018) states:  
(22nd October 2018 until 21st October 2023)

1.1 This policy sets out how the Council as the Licensing Authority for Reading promotes the four licensing objectives stated in the Licensing Act 2003. The four licensing objectives, as outlined in Section 4 (2) of the Licensing Act 2003, are of equal importance and the Council along with other named Responsible Authorities, stakeholders, residents and licence holders shall work together in order to actively promote them. Those four licensing objectives are:

- The prevention of crime and disorder

- The prevention of public nuisance
- The protection of children from harm
- Public Safety

1.2 The Council must have regard to the four licensing objectives when carrying out its functions under the Licensing Act 2003. The Licensing Authority will also have regard to other Council policies which have been introduced to tackle issues that may undermine crime and disorder or any of the other licensing objectives. The Licensing Authority will have regard to the contents of this policy as well as the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003. It may also depart from this policy and the Secretary of State's Guidance if there are exceptional circumstances and it is appropriate to do so to promote the licensing objectives. If the Licensing Authority departs from the Secretary of State's Guidance it will give reasons as per paragraph 1.9 of that guidance. 1.3 The legislation also supports other key aims and purposes. These are outlined in paragraph 1.5 of the guidance and should be principal aims for all parties involved in licensing for the promotion of the licensing objectives. The licensing authority will have regard to these key aims in its decision making. They are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance associated and 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;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

#### **Licensing and Planning integration**

2.2 The planning authority of Reading Borough Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives. The prevention of crime and disorder and prevention of public nuisance are shared concerns of the planning and licensing authorities.

2.3 The planning authority have a number of policies that impact on Reading's night time economy. The Licensing authority recognises that licensing applications should not be a rerun of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, **the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.**

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

2.8 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

2.9 The Council's 'Reading Central Area Action Plan' identifies in more detail those issues relating to licensed premises, the 24 hour economy and the general organisation of retailing within the town centre. It can be accessed here - <http://www.reading.gov.uk/readingldf>

2.10 The key issues surrounding the determination of planning permission are as follows:

- Impact on residential amenity through noise, odour, disturbance, litter, etc
- Impact on the viability of the town centre
- Potential financial contribution to a safer borough (CCTV)

These are all matters that are also proper concerns of the licensing authority and will be taken into account when determining applications. If appropriate to the promotion of the licensing objectives, conditions may be added to licences so as to ensure proper integration of Council policies and strategies

### **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)

### **Off Licences and Conditions - General Approach**

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 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

### **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.

7.3 As part of the operating schedule submitted with any application, the applicant is expected to take cognisance of the guidance, this policy and any other available data pertaining to their prospective locality and the potential impact their operation may have on that area.

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.

7.5 All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions - including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.

#### **Licensed Premises**

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

### **PROPOSED CONDITIONS**

#### **General**

#### **Prevention of Crime and Disorder**

#### **Staff Training**

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

- Understanding of the four licensing objectives
- The premises age verification policy (Challenge 25)
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language •
- Identifying attempts by intoxicated persons to purchase alcohol •
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Drug Policy and substance awareness, recognise their effects and types of drug paraphernalia i.e. “any equipment, product or accessory that is intended or modified for making, using, or concealing drugs, bongs, pipes, clips, grinders, plastic baggies and similar items”
- Child Sexual Exploitation

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.

2. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly nationally

recognized approved accreditation curriculum within four weeks for existing and subsequent employees.

3. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:
  - a) Description of person attempting to purchase alcohol
  - b) Time said person attempted to purchase alcohol
  - c) The reason for refusing a person alcohol
  - d) Name of staff member dealing with the refusal

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

4. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.
  - i. The Prevention of Crime and Disorder.
  - ii. Public Safety.
  - iii. Public Nuisance.
  - iv. The Protection of Children from Harm.

#### **Age Verification Policy**

5. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. 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.
6. The premises age verification policy shall be in a written form and displayed in a prominent position on the premises;

#### **CCTV**

7. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor

any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. 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. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

8. Signage advising customers that CCTV is in use shall be positioned in prominent positions;

### **Incident Register**

9. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;
  - (a) This record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session;
  - (b) A weekly review of the incident register shall also be carried out by the DPS.

### **Public Nuisance**

10. Notices shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.
11. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents.

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

12. A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and shall be actively operated. At the end of licensable activities, staff shall be available to disperse customers away from the premises in line with the dispersal 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.

### **Other initiatives**

13. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, product - for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory/ commemorative beer, lager or cider with an alcohol content of 5.5% ABV or greater.
14. No single cans or bottles of alcopops, beer, ales, lagers or ciders shall be sold; and they shall only be sold in multiples of four.
15. All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.
16. There shall be no self-service of spirits except for spirit mixtures.
17. The premises licence holder or nominated representative shall actively participate in the local Pubwatch scheme should one be operating in the area.
18. The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities. Adequate waste receptacles for use by the customers shall be provided.
19. The immediate vicinity outside of the premises and in any external areas associated with the premises shall be kept clear of litter.
20. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all alcohol products purchased in the preceding three months. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.
21. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence and a list of staff members that have an awareness of its location and content.

### **Right To Work**

22. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work

documents shall be kept at the premises and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

Planning (as no information was provided with the application)

23. The licensable activities of the sale of alcohol by retail off the premises will not be effective until the premises licence holder has applied for and been granted planning permission to operate to these times.

If the Applicant agrees to the above measures being placed as conditions on the premises licence the Licensing team would be willing to withdraw their representation.

Lic/oxfordroadsupermarket/pn

Date Received	14.10.2020	Date Due	11.11.2020
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Date	05	11	2020