

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref: Oxford Road Supermarket Ltd, 267-271 Oxford Road, Reading, Berkshire, RG1 7PY

Date: 6th November 2020

Subject :

Objection

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application to vary a premises licence submitted by Oxford Road Supermarket Ltd, 267-271 Oxford Road, Reading, Berkshire, RG1 7PY as it is believed that this application in its current format will undermine the four licensing objectives with specific regard to that of the prevention of crime & disorder.

The proposal before the Sub-Committee is for:

- Supply of Alcohol (Off Premises), Monday to Sunday 07:00-00:00
- Hours Premises Open To The Public, Monday to Sunday 07:00-00:00

Prior to this application Thames Valley Police can confirm that contact had been made from the applicant in order to discuss the Thames Valley Police concerns. In response to the email I can confirm that Thames Valley police supplied the applicant with a list of proposed conditions but no further communication was received. Please note that none of the proposed conditions are felt to be onerous in any way and reflect processes that the applicant should have in place so as to promote good due diligence and not undermine the four licensing objectives.

The Secretary of State's Guidance issued under Section 182 Licensing Act 2003 states:

Steps to promote the licensing objectives

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.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- **the layout of the local area and physical environment including crime and disorder hotspots**, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. **For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective.** Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

There is a general concern surrounding the provision of the supply of alcohol specifically within this area as the premises is located in a mainly residential area on the Oxford Road which has high levels of ASB, public nuisance and street drinking. These concerns are further compounded by the details provided by the applicant within the application that do not provide sufficient detail for us to be able to determine this application and its ability to support and not undermine the four licensing objectives.

Reading Borough Council Licensing Policy Statement includes detail in its policy which exists in order to address concerns over applications that relate to Off Licences. The Council Licensing Policy Statement, states:-

2.12 There is a significant issue in the town centre and Oxford Road with persons identified as street drinkers purchasing single cans of high strength beers and ciders from licensed off licences. This has led to issues of anti social behaviour in local communities. Most off licences in the town centre and Oxford Road areas have voluntarily agreed to stop selling single cans of high strength beers and ciders. Some have agreed to only sell packs of four whilst others have agreed not to sell these products at all. This has led to a reduction in the number of incidents of street drinking.

2.13 We would expect all licence holders and potential applicants to have regard to this initiative and include measures to restrict the sale of high strength products in single quantities or to not sell them at all. Failure to do so could lead to representations being made against applications for licences or applications to review licences that may be undermining the licensing objectives by selling these products in an irresponsible way.

The Secretary of States Guidance issued under Section 182 Licensing Act 2003 states:

Paragraph 8.46 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states “While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be take into consideration when making an application.”

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants

propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached .

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Thames Valley Police strongly feel that this application in its current format and without further scrutiny is likely to undermine the licensing objectives, due to its failure to address sufficient conditions within the operating schedule.

Case law within the East Lindsey District Council v Abu Hanif establishes:-

“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 the prevention and deterrence”

Thames Valley Police understand that the Licensing Objectives are prospective and preventative, and as such submit that in order to ensure that the licensing objectives are upheld with specific regard to the prevention of crime and disorder that this application should be refused based on the concerns that have been raised surrounding this application.

If the Licensing Sub-Committee were of a mind to grant this application we would strongly recommend the following conditions be added to the operating schedule.

Staff Training

1. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
 - The premises age verification policy
 - The law relating to underage sales
 - 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
 - Identifying signs of drug usage and prevention
 - 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 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.