

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2020

**Present:** Councillors Edwards (Chair), Maskell and Rynn.

### 1. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 10 November 2020 and 19 November 2020 were confirmed as a correct record.

### 2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - OXFORD ROAD SUPERMARKET, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Oxford Road Supermarket Ltd for the grant of a Premises Licence in respect of Oxford Road Supermarket, 267-271 Oxford Road, Reading, RG1 7PY.

The report stated that there was currently no licence in force at the premises and the application was for the grant of a Premises Licence to permit the following licensable activities:

#### Sale by Retail of Alcohol (off the premises)

Monday to Sunday            0700 hours until 0000 hours

#### Hours the Premises are open to the Public

Monday to Sunday            0700 hours until 0000 hours

A copy of the application form was attached to the report at Appendix DF-1.

During the 28 day consultation period for the application, representations had been received from Reading Borough Council, Thames Valley Police and Oxford Road Safer Neighbourhood Forum. The representations were attached to the report at Appendix DF-2, DF-3 and DF-4 respectively.

The report stated that in considering representations received, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

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

The report stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could grant the application as applied for, modify or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 1.2-1.5 and 8.41-8.49 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraphs 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.11-6.18, 10.1 and 10.3 from the Council's Statement of Licensing Policy (2018).



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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 SWERCOTS NPONANS, or any similarly nationally recognised 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;
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. 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;
7. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record while 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 with 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

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tables and chairs and/or a designated smoking area. Data recordings shall be made immediately for viewing 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 and GDPR. 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;
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
  - b) A weekly review of the incident register shall be carried out by the Designated Premises Supervisor or a nominated responsible person;
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 customers who congregate immediately 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 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. The premises licence holder shall not sell single cans or split packs that are intended to be sold as “multi-packs” of “super strength” beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater, or alcoholic products specifically agreed in writing with the licensing authority. This restriction shall not apply in respect of specialist branded, premium priced products - for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory / commemorative beer, lager or cider with an alcohol content of 6.5% ABV or greater;

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13. The premises licence holder shall monitor the area immediately outside of the premises for evidence of customers consuming alcohol in the street that has been purchased on the premises. Where it reasonably appears to the premises licence holder that a person is attempting to purchase alcohol for consumption in the street near the premises, the sale shall be refused;
14. A sign shall be displayed at the entrance to the premises stating that the premises has a policy of not selling alcohol to anyone who is believed to intend to consume it on the street in the vicinity of the premises;
15. All alcoholic products sold from the premises other than wine and spirits, will be marked in a way that can be used to identify that the product has been purchased from the shop;
16. There shall be no self-service of spirits except for spirit mixtures;
17. The premises and area immediately outside the premises shall be kept clear of all forms of litter arising from licensable activities at the premises whilst the premises are open for licensable activities. Adequate waste receptacles for use by the customers shall be provided;
18. 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;
19. Before any person is employed at the premises, sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:
  - Proof of identity (such as a copy of their passport)
  - Nationality
  - Current immigration status

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

### **3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BUTTS CONVENIENCE STORES, OXFORD ROAD, READING**

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the review of a Premises Licence in respect of Butts Convenience Stores, 205 Oxford Road, Reading, RG1 7BX.

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The report stated that Thames Valley Police had submitted the application for the review of the Premises Licence due to concerns that the premises was failing to promote the licencing objectives via insufficient measures to ensure due diligence and compliance with the conditions in place on their licence. This had led to staff working at the premises without proof of their right to work or any training given on the sale of alcohol or the licensing objectives. A copy of the review application form and appendices were attached to the report at Appendix LIC-1.

During the 28 day consultation period for the application, representations had been received from Reading Borough Council, which were attached to the report at Appendix LIC-2.

A copy of the Premises Licence was attached at Appendix LIC-3, which authorised the following licensable activities:

### Sale of Alcohol by Retail (Off the Premises)

Monday to Saturday	0800 hours until 2300 hours
Sunday	1000 hours until 2230 hours
Good Friday	0800 hours until 2230 hours
Christmas Day	1200 hours until 1500 hours and 1900 hours until 2230 hours

Additional information was also supplied by Thames Valley Police.

The report stated that in determining the review application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

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

The report further stated that in determining the application the Licensing Authority must also have had regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Furthermore, in determining the application, the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

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

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(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently).

The report set out paragraphs 11.19, 11.20, 11.22 and 11.23 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraphs 1.6, 3.2, 5.13, 6.1, 6.5, 9.1, 9.2, 9.15 and 9.16 of the Council's Statement of Licensing Policy (2018).

Dan Fundrey, Licensing Enforcement Officer from Reading Borough Council, attended the meeting and presented the report.

Simon Wheeler from Thames Valley Police addressed the Sub-Committee on the review application and responded to questions.

Mark Groves, Senior Licensing Enforcement Officer, Reading Borough Council, addressed the Sub-Committee and responded to questions on the representations made by the Council as a Responsible Authority.

Daljit Khurana, the Premises Licence Holder and Designated Premises Supervisor, was also present at the meeting and was represented by Surendra Panchal, Personal Licence Courses Ltd, who addressed the Sub-Committee on the application and responded to questions.

Amended proposed licence conditions had been submitted by Thames Valley Police following consultation with the Premises Licensing Holder and Reading Borough Council Licensing Team.

The Premises Licence Holder's representative requested at the meeting that the operational hours for licensable activities be amended to 0700 hours until 0000 hours.

### Resolved -

- (1) That, having reviewed the Premises Licence in respect of Butts Convenience Stores, 205 Oxford Road, with regard to the oral and written representations made, the Secretary of State's guidance as set out in the report and the Council's Statement of Licensing Policy as set out in the report, the conditions of the Premises Licence be modified in order to ensure the premises were properly managed in accordance with the licensing objectives and that current non-mandatory conditions and Licensing Act 1964 conditions attached to the licence be removed and the following conditions be attached to the Licence:
  1. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
    - 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

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- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Drug policy and substance awareness including their effects and types of drug paraphernalia i.e. any equipment, product or accessory that is intended or modified for the making, using or concealing drugs (bongs, pipes, clips, grinders, plastic baggies or similar items)

Refresher training shall be provided every six months. Signed induction and refresher training records are to be kept for a minimum of two years from the date of the training and made available for inspection by a police officer or an authorised officer of Reading Borough Council upon request;

2. All staff authorised to sell alcohol shall be trained to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other similar curriculum within four weeks for existing and subsequent employees and provide evidence of such training having been undertaken to Thames Valley Police and any authorised officer of Reading Borough Council's licensing team upon request;
3. All staff to be trained to record refusals of sales of alcohol in a refusal book or electronic register. The book/register shall contain:
  - a) Details of the time and date the refusal was made
  - b) The identity of the staff member refusing the sale
  - c) Details of the alcohol the person attempted to purchase

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

4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to staff members to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British drivers licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification;
5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in a prominent position on the premises;
6. The Premises Licence Holder shall display in a prominent position a copy of the written policy on checking proof of age;



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7. The premises licence holder shall not sell single cans or split packs that are intended to be sold as multi-packs. No beers, lagers and ciders of 6.5% ABV and above shall be sold at any time during permitted licensing hours, in line with Reading Borough Council's current policy;
8. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record while the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside the premises. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council, together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system;
9. A current written authorisation list shall be kept in the Licensing File on the premises confirming the details of all current staff that have been authorised to sell alcohol by the Personal Licence Holder. The authorisation list shall include the name of the staff member authorised and the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder;
10. The Premises Licence Holder / 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;
11. A section 57 notice shall be displayed in a prominent position detailing the person who is responsible for producing the Part A of the Premises Licence and a list of staff members that have an awareness of its location and content;
12. Before any person is employed at the premises, sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:
  - Proof of identity (such as a copy of their passport)
  - Nationality

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- Current immigration status

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

13. The Premises Licence Holder and Designated Premises Supervisor shall ensure that the vicinity of the premises is kept clean, tidy and swept at all times and ensure that sufficient bins are provided;
  14. The Premises Licence Holder and Designated Premises Supervisor shall complete a written dispersal policy detailing the processes that they have in place to prevent the congregation of street drinkers within the vicinity of the premises and how they intend to support the Public Space Protection Order. The dispersal policy shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
  15. The Premises Licence Holder shall use secure screening shutters to cover all alcohol while the premises is open to the public outside permitted hours for the sale of alcohol;
- (2) That the operational hours for licensable activities remain unchanged.

(The meeting started at 9.30 am and finished at 1.52 pm)