

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 22 DECEMBER 2020

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

### 4. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held 26 November 2020 and 1 December 2020 were confirmed as a correct record.

### 5. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - WILLIS AND SHORT NEWSAGENT, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application made by Thames Valley Police on 9 November 2020 for the review of a Premises Licence in respect of Willis and Short Newsagent, 341 Oxford Road, Reading.

The review had been requested due to concerns that Mr Patel, the Premises Licence Holder, was failing to uphold the licensing objectives in operating his business premises. This included a failing in a test purchase involving a child in April 2019 where four cans of Red Stripe lager were sold to a child.

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

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

Monday - Saturday from 0530 hours until 2300 hours

Sunday from 0900 hours until 2300 hours

#### Hours open to the Public

Monday to Saturday from 0530 hrs until 2300 hrs

Sunday 0600hrs until 2300 hrs

Thames Valley Police recommended that the conditions of the premise licence be modified to include additional conditions that would aid the Premises Licence Holder in the promotion of the licensing objectives. Thames Valley Police, Reading Borough Council's Licensing Team and Mr Donne, of Silver Fox Licensing Consultants, on behalf of the Premises Licence Holder, had had positive discussions with each other since the review. A test purchase for alcohol by a child in November 2020 had been passed and the log of refusals of alcohol contained in the refusals book had been entered correctly.

On Friday 18 December 2020 a series of conditions had been agreed between parties, which would meet with the concerns raised by Thames Valley Police.

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Reading Borough Council's Licensing Team also suggested a condition regarding secure screen shuttering to cover all alcohol while the premises was open to the public. This proposal was not agreed by Mr Donne on behalf of the Premises Licence Holder. Mr Donne invited the Sub-Committee to consider extending the licensable hours to the opening hours as a way of resolving the secure screen shuttering.

The Sub-Committee received oral representations at the meeting from the following parties:

- Simon Wheeler, Thames Valley Police
- William Donne, Silver Fox Licensing Consultants, on behalf of Mr Vipul Patel, the Premises Licence Holder
- Peter Narancic, Senior Licensing and Enforcement Officer

Mr Patel was also present at the meeting.

The Sub-Committee considered the written and oral representations made. It had regard to all relevant sections of the Secretary of State's Guidance (April 2018), Reading Borough Council's Statement of Licensing Policy (2018) and case law, as stated in the report. In addition, the Sub-Committee kept in mind the four licensing objectives, which were as follows:

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

The Sub-Committee found, from the evidence presented as recently as September 2020, that there had been failings in management procedures and breaches of conditions which reflected some of the issues that had been raised in other inspections. These included:

- The licence on display at the premises was out of date.
- Training in respect of the licensing objectives was poor with staff not understanding what was required to fulfil these licensing objectives.
- Although the CCTV system was in operation staff could not download the records if asked to do so.

The Sub-Committee determined that the conditions put forward by Reading Borough Council's Licensing Team, and Thames Valley Police and agreed to by the Premises Licence Holder were appropriate and proportionate to promoting the licensing objectives and found those conditions proposed relevant and reasonable. It did not consider that extending the licensable hours to the opening hours was sensible or proportionate, given the previous management failings. The Sub-Committee decided that although the condition suggested by the Licensing Authority in respect of screening alcohol during opening hours outside of licensable hours was itself an offence under the Licensing Act 2003, it should be added as a condition to remind the Premises Licence Holder of their obligations under the Licensing Act 2003.

The Sub-Committee was pleased to note that there had been co-operation by the Premises Licence Holder since the review had been brought. It noted that a test purchase in November 2020 for alcohol by a child had been passed, and that the fitting of external CCTV camera and its operation was due to take place before the New Year.

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The Sub-Committee hoped the tightening of conditions would achieve the objectives set out under the Licensing Act.

### Resolved -

That in order to promote the four licensing objections and having regard to the representations made, both orally and written, together with the Secretary of State's Guidance to the Licensing Act 2003 and the Council's Statement of Licensing Policy (2018), the Sub-Committee concluded that it was appropriate and proportionate for the Premises Licence to have tighter conditions which would ensure that the premises were properly managed in accordance with the licensing objectives. Therefore, the licence be amended to include the following conditions

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
  - The premises age verification policy
  - The Four Licensing objectives
  - Dealing with refusal of sales
  - Proxy purchasing
  - Recognising valid identity documents not in the English language
  - Identifying attempts by intoxicated persons to purchase alcohol
  - Identifying signs of intoxication
  - Conflict management
  - How to identify and safeguard vulnerable persons who attend and leave the premises
  - (a) Refresher training shall be provided every 6 (six) months
  - (b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request
  - (c) All staff authorised to sell alcohol shall be 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;
2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
  - Details of the time and date the refusal was made
  - The identity of the staff member refusing the sale.
  - Details of the alcohol the person attempted to purchase.

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

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3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.
  - (a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position;
5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises;
6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age;
7. No beers, lagers and ciders (excluding stout) 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 use secure screening shutters to cover all alcohol while the premises is open to the public outside the permitted hours for the sale of alcohol;
9. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system;
10. 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 a Personal Licence Holder. The authorisation list shall include, the name of the staff member authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder;

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11. The premises licence holder/designated premises supervisor shall ensure that they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.
  - I. The Prevention of Crime and Disorder
  - II. Public Safety
  - III. Public Nuisance
  - IV. The Protection of Children from Harm.
12. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence, and a list of staff members that have an awareness of its location and content;
13. 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.

(The meeting started at 9.37 am and finished at 10.48 am)