

LICENSING ACT 2003 HEARING THURSDAY 20 APRIL 2023 @ 09:30HRS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Milanoz King Pizza
136 Wokingham Road
Reading
RG6 1JL

2. Applicant Requesting Review:

Home Office Immigration Enforcement

3. Grounds for Review:

Home Office Immigration Enforcement had received information that the premises trading as Milanoz King Pizza, 136 Wokingham Road, Reading was employing workers that have no right to be working in the UK and is not carrying out the required right to work checks.

As a result of this information, Home Office Immigration Enforcement, along with officers from Reading Borough Council conducted an inspection of the premises on 26/01/2023. This visit uncovered:

1. 3 illegal workers were found on the premises who did not have the right to work in the UK. This is contrary to the various Immigration Acts and is considered as one of the most serious offences to take place in licensed premises under the Licensing Act 2003. The employment of illegal workers on a licensed premises is contrary to paragraphs 11.27 and 11.28 of the Secretary of State's Guidance to the Licensing Act and undermines the prevention of crime and disorder licensing objective. The finding of one illegal worker is sufficient for the serious consideration to be given to revoke the premises licence. Out of the 3 illegal workers, 1 had overstayed their granted leave in the UK, 1 was in breach of his employment conditions and 1 worker's leave was curtailed.
2. The premises licence holder was in breach of a number of conditions of their premises licence, namely: No Part A of the premises licence could be produced, No Section 57 notice was on display, no signage asking customers to not drop litter and to respect the needs of local residents when leaving the premises was on display, delivery vehicles were parked at the rear of the premises, Mr Saleem was unable to state the 4 licensing objectives.

The full application for review is attached as **Appendix RS-1**

4. Date of receipt of application: 24 February 2023

5. Date of closure of period for representations: 24 March 2023

6. Representations received:

During the 28 day consultation period for the application, representations were received from:

1. Thames Valley Police Licensing - Mr Declan Smyth - Attached as Appendix RS-3
2. Reading Borough Council Licensing - Mr Anthony Chawama - Attached as Appendix RS-4

7. Background

The premises is located on Wokingham Road in East Reading.

The Premises Licence Holder is stated as: EVA PVT Ltd

The premises currently has the benefit of a premises licence for the activities and hours detailed below: A copy of the current licence is attached as Appendix RS-4

The times the licence authorises the carrying out of licensable activities:

Provision of Late Night Refreshment

Monday	from 2300hrs until 0500hrs
Tuesday	from 2300hrs until 0500hrs
Wednesday	from 2300hrs until 0500hrs
Thursday	from 2300hrs until 0500hrs
Friday	from 2300hrs until 0500hrs
Saturday	from 2300hrs until 0500hrs
Sunday	from 2300hrs until 0500hrs

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. Powers of the Licensing Authority on the determination of a Review

In determining the application the sub-committee can take such of the 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.

10. The Council's Licensing Policy Statement (2018):

3. Licensing and integration with other legislation

3.1 Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives:

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 it 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.

Immigration Act 2016

3.4 Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premises. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late night refreshment licence. The offence of employing people at a licensed premises who have no right to work in the UK is also now listed in the Secretary of State's guidance under Section 11.27 which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance. This Act clearly supports and actively promotes the licensing objective of preventing crime and disorder and the licensing authority will work with colleagues in the Immigration service and Thames Valley Police to enforce this.

6. Licensing Conditions

General Approach

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

Enforcement

General Principles

9.1 It is the responsibility under the Act for all responsible authorities; licence holders and prospective licence holders to actively promote the four licensing objectives. The Council along with partner agencies, has a wider responsibility to protect the public as a whole and prevent crime, harm or nuisance from taking place.

9.2 The Authority will carry out its licensing functions with a view to actively promoting the licensing objectives and maintaining public safety. This applies to the dual role the licensing authority has both as the administrator of the process and as a responsible authority.

9.3 The Licensing Authority has previously and will continue to work with other responsible authorities and partner agencies in order to ensure that the licensing objectives are promoted and that a consistent and joined up approach is taken to enforcement across Reading.

9.4 Reading Borough Council and Thames Valley Police work in partnership when carrying out work that involves licensed premises and any matter that undermines the licensing objectives. The Authority and Thames Valley Police also work in partnership with colleagues in the Home Office Immigration Enforcement team and Trading Standards on a variety of issues including the prevention and detection of illegal working in licensed premises and issues surrounding super strength alcoholic products and responsible alcohol retailing.

Enforcement Approach

9.14 Licence holders should be aware that some criminal activity on licensed premises is considered to be of such seriousness to warrant a licence being reviewed straight away. There is certain criminal activity stated within the Secretary of State's Guidance that should be taken particularly seriously and where revocation of a licence, even in the first instance, should be seriously considered. This can include the sale or storage of smuggled alcohol or cigarettes on a licensed premises; the employment of an illegal worker at a licensed premises and the use of a licensed premises to sell or distribute drugs and weapons. Clearly if a premises is found to be committing such serious offences, then the premises and licence holder is severely undermining the licensing objectives. It is likely, under such circumstances, that a licence review will be initiated by the Authority or colleagues within Thames Valley

Police, Home Office Immigration Enforcement or the relevant responsible authority with a view to having the licence revoked.

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.

10. Administration, Exercise and Delegation of Functions

10.1 The powers of the Licensing Authority under the Licensing Act 2003 may be carried out by the Licensing Committee; by a Sub Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10-15 members and the committee may establish one or more sub-committees consisting of two or three members.

10.3 A Licensing Sub-Committee shall hear all applications where relevant representations have been received and applications for the review of a premises licence that may have been submitted by Responsible Authorities or any other persons.

11. Amended Guidance issued under section 182 of the Licensing Act 2003 (December 2022)

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
- 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.

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

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 area⁵. 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.

Home Office Immigration Enforcement acting as a responsible authority

9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's

behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Hearings

9.31 The Licensing Act 2003 (Hearings) Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal.

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.

Powers of a licensing authority on the determination of a review

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities.

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.

11.20 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.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

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.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

12. Relevant Case law for consideration:

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016) this underpins the principles widely acknowledged within the Licensing Act 2003 that the licensing objectives are prospective, and that 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.

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations.

13. Appendices

Appendix RS-1: Premises Licence Review Application Form

Appendix RS-2: Representation from Mr Declan Smyth - Thames Valley Police - Licensing

Appendix RS-3: Representation from Mr Anthony Chawama - Reading Borough Council - Licensing

Appendix RS-4: Current Premises Licence for Milanoz King Pizza

Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU

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 Caroline LAIRD

(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	
New Milano'z Pizza 136 Wokingham Road Reading RG6 1JL	
Post town Reading	Post code (if known) RG6 1JL

Name of premises licence holder or club holding club premises certificate (if known)
EVA PVT Ltd

Number of premises licence or club premises certificate (if known)
13153628

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

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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 Immigration Officer Caroline LAIRD 18876 581 Staines Road Hounslow Middlesex TW4 5DL
Telephone number (if any)
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

<p>Please state the ground(s) for review (please read guidance note 2)</p> <p>One of the licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives.</p> <p>Home Office (Immigration Enforcement) believe EVA PVT ltd are not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence.</p> <p>EVA PVT ltd is using the business to employ illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa).</p> <p>Employing illegal workers in the UK has the following impact on the community and society as a whole:-</p> <ol style="list-style-type: none">1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.3. It encourages other overstayers / illegals to seek similar work.4. It allows a business to unfairly undercut other businesses by employing cheap labour.5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.
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**Please provide as much information as possible to support the application
(please read guidance note 3)**

New Milano'z pizza is a takeaway business in the town of Reading, Berkshire.
The premises has a licence to sell hot food indoor or outdoor, between the hours of
2300-0500. The premises is open to sell hot food between 1100-0200.
The business does not sell Alcohol and nor is it permitted to do so.

Home Office (Immigration Enforcement) had received information stating that the employer is employing workers that have no right to be working in the UK and is not carrying out the required checks, this included the employment of students and also under paying staff.

As a result of this intelligence, Home Office (Immigration Enforcement) with Licencing Officers from Reading Council, planned an Enforcement visit to New Milano'z Pizza, 136 Wokingham Road, Reading, Berkshire, RG6 1JL to be conducted on the 26.01.2023.

Entry was gained by Immigration Officers from South Central ICE under Section 179 of the Licencing Act 2003.

Throughout the visit 5 people were observed working in the premises by Officers and asked questions relating to their employment and right to be in the UK.

As a result of Officers enquiries, 3 of the 5 people were arrested.

1x had overstayed his granted leave in the UK, he was detained and taken into immigration detention pending removal.

1x was detained as he was in Breach of Employment conditions set out in the conditions of his visa. He was later de-arrested and advised to comply with his conditions, if he continues to break the conditions his visa would be curtailed.

1x workers leave was curtailed, he was detained and taken into immigration detention pending removal.

When asked about payment, one of the males stated he gets £6.50ph and the other told Officers he gets paid only by means of being given food.

A Penalty Notice was served on Night Duty Shift Manager, informing him of the 3 offenders that were present at the business. This will be considered by the Home Office compliance team for a fine to be issued to the business.

There is clear disregard to UK law as the employment of people with no right to work in the UK, or students that have restrictions on the number of hours they can work has taken place.

This is relevant to the majority of the people that were encountered by Officers, and not just 1 case.

No consideration given to the potential harm that members of the public may face due to required checks not being carried out.

Summary

- **the modification of the conditions of the premises licence;**
- **the exclusion of a licensable activity from the scope of the licence;**
- **Revocation of the licence;**

For the previously stated reasons, we believe this is the only way to prevent further undermining of the licensing objectives.

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

We do not believe that this option would serve as anything other than a punitive measure with the premises likely to return to how it currently operates at the end of the suspension period.

I submit the following sections from the current Secretary of State's section 182 guidance and the Reading Borough Council statement of licensing policy as relevant to our review application.

Secretary of States Section 182 Guidance

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.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated

premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

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.

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

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.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance

with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

Reading Borough Council Statement of Licensing Policy

9.1 It is the responsibility under the Act for all responsible authorities; licence holders and prospective licence holders to actively promote the four licensing objectives. The Council along with partner agencies, has a wider responsibility to protect the public as a whole and prevent crime, harm or nuisance from taking place.

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.

Relevant Case Law for Consideration

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016) this underpins the principles widely acknowledged within the Licensing Act 2003 that the licensing objectives are prospective, and that 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.

Appendices

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

--	--	--	--	--	--	--	--

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 -  (C LAIRD)

Date - 24.02.2023

Capacity - Immigration Officer

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.

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref : Milano'z Pizza, 136 Wokingham Road, Reading, RG6 1JL Date :23rd March 2023

Subject :

Supportive review representation

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to provide this representation in support of the review process relating to Milano'z Pizza, 136 Wokingham Road, Reading, RG6 1JL.

This representation is based on this premises and EVA PVT Ltd failure to uphold the licensing objectives by committing offences in relation to immigration and the employment of illegal workers, as well as various breaches of the licence conditions.

Therefore this representation gives due regard to the failure of this premises management and EVA PVT Ltd to support the licensing objective of prevention of crime and disorder as well as impacting negatively on all other licensing objectives.

On **Thursday 26th January 2023** – The Home Office Immigration and Reading Borough Council (RBC) inspection took place at Milano'z Pizza, 136 Wokingham Road, Reading, Berkshire, RG6 1JL.

On arrival at the premises it was confirmed by the Home Office Immigration officers that 5 members of staff were working within the premises, 3 of the 5 were arrested.

A Reading Borough Council Licensing enforcement officer carried out an inspection of the premises licence during this process and found:

- 1) Part A of the premises licence was not available or produced. Mr. Saleem did not know where it was. This is an offence under Section 57 of the Licensing Act 2003.
- 2) No Section 57 notice could be found on the premises. This is a notice that details where Part A of your licence is kept. This is an offence.
- 3) Condition 1 of the premises licence under the heading 'further conditions agreed' was not being complied with. There were no notices on display at the entrance requesting patrons not to drop litter and to respect the needs of local residents when leaving the premises.
- 4) Condition 2 of your premises licence under the heading 'further conditions agreed' was not being complied with. Delivery vehicles were parked at the rear of the premises during our visit.
- 5) Five members of staff were encountered at the premises and three were illegal workers.
- 6) Mr.Saleem was unable to list any of the four licensing objectives.

On **Wednesday 22nd March 2023** - Thames Valley Police together with a Reading Borough Council Licensing Officer attend the premises to complete a Licensing Inspection.

During the inspection areas of concern were discovered regarding non-compliance with some conditions contained within the premises licence. C2107 Declan Smyth also recorded poor levels of due diligence that impact negatively upon the ability of the premises and management team to promote the licensing objectives.

Section 57 Compliance:

1. Premises Licence Summary Part B (all pages individually displayed) are prominently displayed at the premises? No

Part B of the premises licence was on display but not in its entirety. Only page 1 of 2 seen.

2. A Section 57 is prominently displayed at the premises or could be found on the premises? No.

Currently as the premises licence summary (part B) and the Section 57 notice were not prominently displayed the premises, this is in breach of Section 57 of the Licensing Act 2003.

3. The complete Part A of the premises licence was not available for inspection. Please make sure that Part A of the licence is kept securely where the authorised members of the team have access and that they are aware of the location of the document.

Conditions Attached To The Premises Licence:

4. Condition 2 of the premises licence under the heading 'further conditions agreed' was not being complied with. A red, Volkswagen Golf was parked at the rear of the premises during the TVP & RBC inspection. We believe this to be a delivery vehicle for the premises.

Structural Alterations or additional areas for licensable activity:

5. The current plan for the premises was not available for inspection. The premises Plan requires updating and it's recommended that a copy be kept with Part A of the premises licence.

Signage compliance:

6. Condition 1 of the premises licence under the heading 'further conditions agreed' is being complied with. A notices on display (Main Window) at the entrance requesting patrons not to drop litter was evident.

A Respect the needs of local residents when leaving the premises was on display by the main door.

CCTV:

7. CCTV was available, concerns noted –

a) CCTV recording? It could not be demonstrated for how long of if in fact it was recording at all.

b) The system is producing poor quality images.

c) Time stamp on the screen showing 09:09 – Actual time 17:25 should have displayed.

d) Duty manager not able to access or work the CCTV system

TVP recommend that the current CCTV system be updated. The rational for this is that the current quality of footage would fail to aid in an investigation due to the evidential quality of the images. This needs addressing urgently to aid in the prevention of crime and disorder.

Incident and Refusal Logs:

8. An incident book to record any incident that impacted any of the four licensing objectives was not available, poor due diligence noted.

All incidents which impact on any of the four Licensing Objectives should 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' names shall also be recorded. This record shall be available for inspection by a Thames Valley 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 manager or Nominated Representative on a weekly basis.

Staff Training Evidence:

9. Is staff training provided? Limited records available i.e. Two Food Safety Certificates shown as evidence.

Are staff receiving refresher training on a six monthly basis? Duty manager was not able to verify or evidence.

Thames Valley Police suggests that currently there is No Staff Training System in place for the premises and therefore this needs to be implemented.

Other Points of Note:

10. Fire Certificate on display is expired. Currently showing expiry November 2019.

11. No Fire Risk Assessment produced. Poor due diligence noted.

12. No evidence produced to show fire safety training for management or staff. Poor due diligence noted.

13. Two Fire Extinguishers located at the premises. Both were out of date and both are used and empty. This has been noted as poor management policies/procedures and poor due diligence.

The premises licence holder did not have a written fire risk assessment in place. The Regulatory Reform (Fire Safety) Order 2005 states that every licensed premises must have a written fire risk assessment. The assessment should identify any fire risks and how those risks are being mitigated.

We at Thames Valley Police are extremely concerned with all of the above. The lack of policies; the lack of a comprehensive CCTV system and the lack of a general management at the premises clearly shows that this premises is severely undermining the promotion of the licensing objectives

On Thursday 23rd March 2023, Thames Valley Police received a Minor Variation Application to vary the Premises Licence Conditions.

*Additional conditions to be added to the existing conditions on the premises licence in order to **meet modern standards:***

1.0 LICENSING OBJECTIVES

a) All members of staff working in the shop will be trained in how to promote the four licensing objectives.

b) The prevention of crime and disorder

2.0 CCTV

a) The premises shall install and maintain a comprehensive digital CCTV

b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.

d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

e) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open.

- f) Viewing of recordings shall be made available immediately upon the request of Police or authorised Council officer throughout the entire 31 day period*
- g) This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with a request in writing.*
- h) Signage will be displayed stating that CCTV is in use.*

3.0 INCIDENT REPORTS

- i) An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. 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*
- j) It must be completed within 24 hours of the incident and will record the following:
 - a. all crimes reported to the venue*
 - b. all ejections of patrons*
 - c. any complaints received concerning crime and disorder*
 - d. any incidents of disorder*
 - e. all seizures of drugs or offensive weapons*
 - f. any faults in the CCTV system*
 - g. any visit by a relevant authority or emergency service.**
- k) this record shall be available for inspection by an Officer of Thames Valley Police or an authorised officer of Reading Borough Council upon request and shall be retained for one year.*
- l) a weekly review of the incident register shall be carried out by the Premises Licence Holder or authorised person.*

4.0 REFUSALS

All staff to be trained to record refusals of sales in a refusals 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) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police.*
- d) 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.*

5.0 STAFF TRAINING

Staff shall receive training on:

- a) The law relating to the provision of late-night refreshment*
- b) The Four Licensing Objectives*
- c) Identifying intoxicated customers*
- d) Staff shall be trained in conflict management and refusals of sale*
- e) Their training will be recorded, counter signed by the staff member and kept on record for a period of twelve months and will be available for inspection on request from a police constable or a proper officer from the Council.*
- f) Refresher training for front of shop assistants will be provided every six months.*

6.0 SIGNAGE

- a) 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.*
- b) Signage will be exhibited by the front door exit requesting guests to leave the area quietly.*

7.0 RIGHT TO WORK IN THE UK

- a) *Before any person is employed at the premises sufficient checks shall be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:*
- b) *Proof of identity (such as a copy of their passport)*
- c) *Nationality*
- d) *Current immigration status*
- e) *Employment checks will be subject of making copies of any relevant documents produced by an employee.*
- f) *Home Office Right to Work Share Code*
- g) *Checks shall be retained on the premises and kept for a minimum period of one year.*
- h) *Employment records as they relate to the checking of a person's right to work shall be made available to an authorised officer of Reading Borough Council or Thames Valley Police upon request.*

8.0 RISK ASSESSMENTS

- a) *There shall be risk assessments for Health and Safety in place and reviewed annually or sooner if required.*
- b) *There shall be a specified named first aider.*

We at Thames Valley Police are of the opinion that the modification of the conditions of the premises licence by the premises licence holder and his representatives is a ploy to try and circumvent the review process so as to distract from all its current poor practices and failures. As you can see from the Thames Valley Police Licensing Inspection most of the proposed conditions are not currently being actioned or promoted by staff, management or the premises licence holder.

We do not consider the addition or amending of the conditions attached to the licence to be a pragmatic solution due to the premises licence holder's inability to comply with the current licence conditions which, themselves, are not onerous. The addition of further conditions that are likely to be breached will not assist in the promotion of the licensing objectives.

It is the job of any responsible employer to ensure that the correct right to work checks are carried out. Carrying out right to work checks has been a requirement since the late 1990's and this is underpinned by the various Immigration Acts:

The Immigration Act 2016 amended Section 21 of the Immigration, Asylum and Nationality Act 2006 and is the relevant legislation that deals with the employment of illegal workers. It states:

- 1) *A person commits an offence if he employs another ("the employee") knowing that the employee is [disqualified from employment by reason of the employee's immigration status].*
- (1A) *A person commits an offence if the person—*
 - (a) *employs another person ("the employee") who is disqualified from employment by reason of the employee's immigration status, and*
 - (b) *has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.*
- (1B) *For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—*
 - (a) *the person has not been granted leave to enter or remain in the United Kingdom, or*
 - (b) *the person's leave to enter or remain in the United Kingdom—*
 - (i) *is invalid,*
 - (ii) *has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or*
 - (iii) *is subject to a condition preventing the person from accepting the employment.]*
- (2) *A person guilty of an offence under this section shall be liable—*
 - (a) *on conviction on indictment—*

- (i) to imprisonment for a term not exceeding [five] years,*
- (ii) to a fine, or*
- (iii) to both*

The licence holder is exploiting potentially vulnerable people and engaging in a multitude of criminal offences by employing them at this licensed premises within Reading. These offences are covered under a multitude of different pieces of legislation and clearly engage the crime and disorder licensing objective.

In conclusion we have a host of issues relating to this premises and the holding company including the employment of illegal workers and a number of breaches of licence conditions and noncompliance.

In itself the employment of an illegal worker is enough to consider a revocation of this licence, and as such the employment of illegal workers is a criminal activity which has serious impacts on society and can in certain circumstances have a serious and real implications connected to modern day slavery.

The current Secretary of State Guidance pursuant to the Licensing Act 2003 specifically deals with this in section 11.27 & 11.28

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- For the sale and distribution of illegal firearms;
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- For prostitution or the sale of unlawful pornography;
- By organised groups of paedophiles to groom children;
- As the base for the organisation of criminal activity, particularly by gangs;
- For the organisation of racist activity or the promotion of racist attacks;
- **For employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- For unlawful gambling; and
- For the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. **Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.**

Allowing this premises to continue to operate with the benefit of a premises licence will merely serve to perpetuate the criminal activity and human exploitation already apparent from the findings of the Thames Valley Police and colleagues in Immigration Enforcement.

For these reasons Thames Valley Police respectfully recommend that the licensing Sub-committee take the only appropriate and proportionate step available to them in a situation as serious as this and revoke the licence as the only possible means to promote the licensing objectives and further support the prevention of crime and disorder.



Name of Officer	ANTHONY CHAWAMA
Type of Application	Review of Premises Licence - Licensing Act 2003
Name of Premises	New Milano'z Pizza
Address	136 Wokingham Road
	Reading
	RG6 1JL
<u>Content of Application:</u>	
<p>The application is for the review of a premises licence in respect of the above mentioned premises. The application has been submitted by Home Office Immigration Enforcement who are a named responsible authority in the Licensing Act 2003.</p>	
<u>Licensing Officer's Comments:</u>	
<p>The Licensing Authority - in its role as a Responsible Authority - fully support the application for review submitted by Home Office Immigration Enforcement. We also fully support the recommended action of asking for the premises licence to be revoked.</p> <p>1. On 26th January 2023, the premises were found employing three people who did not have the right to work in the UK. The employment of illegal workers on a licensed premises is stated within the Secretary of State's Guidance to the Licensing Act 2003 to be one of the most serious offences that the Licensing Authority can consider:</p> <p>11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:</p> <ul style="list-style-type: none"> • for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime; • for the sale and distribution of illegal firearms; • for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; • for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people; • for prostitution or the sale of unlawful pornography; • by organised groups of paedophiles to groom children; • as the base for the organisation of criminal activity, particularly by 	

gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- **for employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, **it is expected that revocation of the licence - even in the first instance - should be seriously considered.**

2. The information contained within the review application from the interviews carried out by the Immigration Officers with the staff and manager identify other criminal offences which engage the prevention of crime and disorder licensing objective. The interview with Noman Saleem - the person who was the duty manager of the business and the New Milano'z Pizza who employed the three staff members - is particularly telling. He confirms that all three members of staff had been employed at the premises having had no acceptable right to work checks carried out.

3. Licensing Visits – Reading Borough Council Licensing Department

26/01/2023

I visited the premises with colleagues from Home Office Immigration in order to conduct a joint immigration and licensing inspection.

During this inspection 4 licensing breaches were identified:

1) You could not produce Part A of your licence and Mr. Saleem did not know where it was. This is an offence under Section 57 of the Licensing Act 2003.

2) No Section 57 notice could be found on the premises. This is a notice that details where Part A of your licence is kept. This is an offence. Please ensure this is rectified.

3) Condition 1 of your premises licence under the heading 'further conditions agreed' was not being complied with. There were no notices on display at the entrance requesting patrons not to drop litter and to respect the needs of local residents when leaving the premises.

4) Condition 2 of your premises licence under the heading 'further conditions agreed' was not being complied with. Delivery vehicles were parked at the rear of the premises during our visit.

Further to the above, 3 members of staff working at the premises were identified as having no right to work in the UK.

This inspection highlights that the premises licence holder is unable to operate his premises within the conditions of his licence and that he is willing to hire illegal workers which has the following negative effects:

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers/illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labour.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

A letter containing the results of this inspection was sent to the premises licence holder on 07/03/2023 and a copy is attached as **Appendix AC-1**.

On Wednesday 22nd March at 1700hrs I visited the premises with my colleague Declan Synth from the Thames Valley Police Licensing department to ensure the premises licence holder is complying with their licence.

All our findings were sent out in a letter by my colleague Declan Smyth and are attached as **Appendix AC-2**

I would like to bring the Committee's attention to the case law of East Lindsey v Abu Hanif (2016) which is a case dealing with the employment of illegal workers. This case clearly states that the licensing objective of prevention of crime and disorder is engaged irrespective of whether a licence holder is given a civil penalty or has been convicted of an offence. This is also stated within paragraph 11.25 of the Secretary of State's Guidance to the Licensing Act and reaffirms that the licensing objectives are prospective and are concerned with the prevention and deterrence of offences that undermine the promotion of the licensing objectives.

In summary, the Licensing Authority in its role as a responsible authority, fully support the Home Office in this application and agree that the only way for the licensing objectives to be actively promoted and to prevent the continual use of the premises to perpetuate serious criminal offences, is for the licence to be revoked.

Date Received

24/02/2023

Date Due

24/03/2023

Date

23

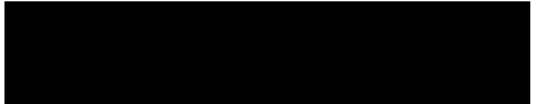
03

2023

Frances Martin
Executive Director of Economic
Growth & Neighbourhood Services
Civic Offices, Bridge St, Reading, RG1
2LU
☎ 0118 937 3787

Milano'z King Pizza
136 Wokingham Road
Reading
RG6 1JL

Our Ref: 055924



Date: 7 March 2023

Your contact is: **Anthony Chawama, Licensing - Regulatory Services**

Dear Sirs,

Licensing Act 2003

Premises Name: Milano'z King Pizza

Premises Address: 136 Wokingham Road, Reading, RG6 1JL

On the **26th January 2023 at 2034hrs** I visited your premises with colleagues from Home Office Immigration Enforcement to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The inspection was carried out with a Noman Saleem.

During my inspection, I found a number of items that require your attention as outlined below:

- 1) You could not produce Part A of your licence and Mr. Saleem did not know where it was. This is an offence under Section 57 of the Licensing Act 2003.
- 2) No Section 57 notice could be found on the premises. This is a notice that details where Part A of your licence is kept. This is an offence. Please ensure this is rectified.
- 3) Condition 1 of your premises licence under the heading 'further conditions agreed' was not being complied with. There were no notices on display at the entrance requesting patrons not to drop litter and to respect the needs of local residents when leaving the premises.
- 4) Condition 2 of your premises licence under the heading 'further conditions agreed' was not being complied with. Delivery vehicles were parked at the rear of the premises during our visit.
- 5) Five members of staff were encountered at the premises and three were illegal workers.
- 6) Mr. Saleem was unable to tell us any of the licensing objectives.

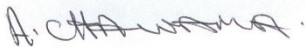
Advisories

- You are advised to ensure that all of your staff have the correct right to work documents and that they are kept on site should they need to be produced to officers from the Home Office. Home Office Immigration Enforcement have the same right of entry to your premises as we and the police do so, keeping the documents securely on site will assist in their inspection if they choose to undertake one.

Whilst we consider what, if any, further action to take in respect of the findings detailed in this letter, please rectify all of the above within 7 days. Once you believe all of the above has been rectified, please contact Licensing so that we can arrange a re-inspection.

If you have any questions in relation to the contents of this letter then please contact me.

Yours faithfully



Anthony Chawama
Licensing Enforcement Officer

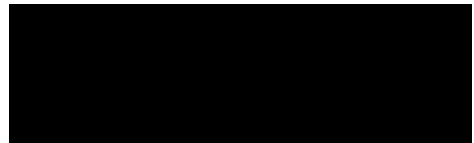
Appendix AC-2



Milano's Pizza
136 Wokingham Road
Reading
RG6 1JL

C2107 Declan Smyth
Licensing Officer
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH



Thursday 23rd March 2023

Licensing Act 2003

Premises: Milano's Pizza

Premises Address: 136 Wokingham Road, Reading, RG6 1JL

Dear Sirs,

On Wednesday 22nd March at 1700hrs I visited your premises with my colleague Anthony Chawama from the Reading Borough Council Licensing department to ensure you are complying with the above premises licence and advice on any matters that may arise during the inspection. The main objective of the Inspection was to establish compliance with the four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

The aim is to achieve this by ensuring that the licensed activities provided are being carried out in accordance with the Premises Licence and the provisions of the Licensing Act 2003.

During the inspection some areas of concern were discovered regarding non-compliance with some conditions contained within your premises licence. I also recorded poor levels of due diligence that impact negatively upon your ability to promote the licensing objectives.

Section 57 Compliance:

1. Premises Licence Summary Part B (all pages individually displayed) are prominently displayed at the premises? No

Part B of the premises licence was on display but not in its entirety. Only page 1 of 2 seen. This is an offence. Please ensure this is rectified.

2. A Section 57 is prominently displayed at the premises or could be found on the premises? No. Currently as the premises licence summary (part B) and the Section 57 notice were not prominently displayed you are in breach of Section 57 of the Licensing Act 2003, [Licensing Act 2003 Section 57](#). This needs to be rectified immediately. I have attached a template Section 57 notice to assist you.
3. The complete Part A of the premises licence was not available for inspection. Please make sure that Part A of the licence is kept securely where the authorised members of the team have access and that they are aware of the location of the document. This needs to be rectified immediately.

Conditions Attached To The Premises Licence:

4. Condition 2 of your premises licence under the heading 'further conditions agreed' was not being complied with. A red, Volkswagen Golf was parked at the rear of the premises during the TVP & RBC inspection. We believe this to be a delivery vehicle for the premises.

Structural Alterations or additional areas for licensable activity:

5. The current plan for the premises was not available for inspection. The premises Plan requires updating and it's recommended that a copy be kept with Part A of the premises licence.

Signage compliance:

6. Condition 1 of your premises licence under the heading 'further conditions agreed' is being complied with. A notices on display (Main Window) at the entrance requesting patrons not to drop litter was evident.
A Respect the needs of local residents when leaving the premises was on display by the main door.

CCTV:

7. CCTV was available, concerns noted –
 - a) CCTV recording? It could not be demonstrated for how long of if in fact it was recording at all.
 - b) The system is producing poor quality images.
 - c) Time stamp on the screen showing 09:09 – Actual time 17:25 should have displayed.
 - d) Duty manager not able to access or work the CCTV systemTVP recommend that the current CCTV system be updated. The rational for this is that the current quality of footage would fail to aid in an investigation due to the evidential quality of the images. This needs addressing urgently to aid in the prevention of crime and disorder.

Incident and Refusal Logs:

8. An incident book to record any incident that impacted any of the four licensing objectives was not available, poor due diligence noted.
All incidents which impact on any of the four Licensing Objectives should 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' names shall also be recorded.
This record shall be available for inspection by a Thames Valley 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 manager or Nominated Representative on a weekly basis.

Staff Training Evidence:

9. Is staff training provided? Limited records available i.e. Two Food Safety Certificates shown as evidence.
Are staff receiving refresher training on a six monthly basis? Duty manager was not able to verify or evidence.
Thames Valley Police suggests that currently there is No Staff Training System in place for the premises and therefore this needs to be implemented.

Other Points of Note:

10. Fire Certificate on display is expired. Currently showing expiry November 2019.
11. No Fire Risk Assessment produced. Poor due diligence noted.
12. No evidence produced to show fire safety training for management or staff. Poor due diligence noted.
13. Two Fire Extinguishers located at the premises. Both were out of date and both are used and empty. This has been noted as poor management policies/procedures and poor due diligence.

We at Thames Valley Police are extremely concerned with all of the above. The lack of policies; the lack of a comprehensive CCTV system and the lack of a general management at the premises clearly shows that this premises is severely undermining the promotion of the licensing objectives.

You may wish to obtain some licensing advice in the meantime either independently or via Reading Borough council.

I would like to thank the duty manager Ammar for the assistance provided during the inspection.

However, we would ask that you please contact us no later than **Thursday 6th April 2023** with your written formal decision and actions that will address all of the above via email to

Kind Regards

Declan Smyth

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	LP3000899
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Premises Details

Trading name of Premises and Address	
New Milano'z Pizza 136 Wokingham Road Reading RG6 1JL	
Telephone Number	

Where the Licence is time limited the dates the Licence is valid
N/A

Licensable Activities

Licensable Activities authorised by the Licence
Late Night Refreshment - Indoor & Outdoor

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Provision of Late Night Refreshment	
Monday	from 2300hrs until 0500hrs
Tuesday	from 2300hrs until 0500hrs
Wednesday	from 2300hrs until 0500hrs
Thursday	from 2300hrs until 0500hrs
Friday	from 2300hrs until 0500hrs
Saturday	from 2300hrs until 0500hrs
Sunday	from 2300hrs until 0500hrs

Opening Hours

Hours the Premises is Open to the Public	
Monday	from 1100hrs until 0200hrs
Tuesday	from 1100hrs until 0200hrs
Wednesday	from 1100hrs until 0200hrs
Thursday	from 1100hrs until 0200hrs
Friday	from 1100hrs until 0200hrs
Saturday	from 1100hrs until 0200hrs
Sunday	from 1100hrs until 0200hrs
Patrons attending the premises between 0200hrs and 0500hrs shall not be served.	

Alcohol

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

N/A - NO ALCOHOL TO BE SOLD OR SUPPLIED UNDER THE PREMISES LICENCE

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: EVA PVT Ltd

Address: 136 Wokingham Road, Reading, RG6 1JL

Registered number of holder, for example company number or charity number [where applicable]

13153628

Additional Details

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

N/A - NO ALCOHOL TO BE SOLD OR SUPPLIED UNDER THE PREMISES LICENCE

Designated Premises Supervisor

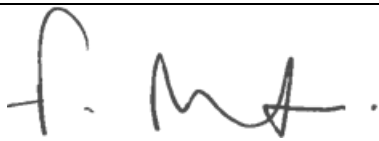
Personal Licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the supply of alcohol

N/A - NO ALCOHOL TO BE SOLD OR SUPPLIED UNDER THE PREMISES LICENCE

This Licence shall continue in force from **04/08/2022** unless previously suspended or revoked.

Dated: 9 August 2022

Signed on behalf of the issuing licensing authority



Frances Martin
Executive Director for Economic Growth and Neighbourhood Services

Annex 1 - Mandatory Conditions

Responsible Drink Promotions (commencement date 01/10/2014)

- 1) The responsible person must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Supply of Tap Water (commencement date 01/10/2014)

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy (commencement 01/10/2014)

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must 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: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Permitted Pricing (commencement 28th May 2014)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

4. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2

Conditions Consistent with the Operating Schedule

General

Conditions agreed with Thames Valley Police

1. Patrons attending the premises from 02:00hrs until 05:00hrs shall not be served.
2. All entry and exit doors, shutters and grilles shall be secured between 02:00 hrs and 05:00 hrs.
3. Between 02:00hrs and 05:00 hrs, only telephone and email orders for delivery shall be accepted.

Further conditions agreed

1. Notices shall be prominently displayed at the customer entrance requesting patrons do not drop litter and respect the needs of local residents when leaving the premises.
2. No delivery vehicle shall be parked at the rear of the premises at any time.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan RB0611 dated 15th December 2010