

LICENSING ACT 2003 HEARING THURSDAY APRIL 2023 @ 09:30HRS
APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:

Today's Express
17 Duke Street
Reading
RG1 4SA

2. Applicant:

GS Chopra Ltd

3. Background:

The proposed premises is located at 17 Duke Street, Reading RG1 4SA. There is currently no licence in force at this location. There was a previous premises licence for this location which was revoked on the 10th February 2023 by the Licensing Sub-Committee following a review application by the Licensing Team of Reading Borough Council (RBC).

The application has been submitted by GS Chopra Ltd and is attached as **Appendix MG-1**

Licensing Officers of both RBC and Thames Valley Police (TVP) have been unable to agree conditions with the applicant prior to this committee meeting.

4. Proposed licensable activities and hours:

The application is for the grant of a premises licence for the following activities:

Sale by Retail of Alcohol (Off the Premises):

Monday to Sunday from 0800hrs until 2300hrs

Hours the Premises is Open to the Public:

Monday to Sunday from 0600hrs until 2300hrs

5. Temporary Event Notices

In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to authorise licensable activities. A premises can extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year (or 20 events in 2023 only) can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 (or 26 in 2023) per calendar year.

6. Date of receipt of application: 5th March 2023

7. Date of closure of period for representations: 2nd April 2023

8. Representations received:

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

1. Mr Robert Smalley- Reading Borough Council - Licensing - Attached as **Appendix MG-2**
2. Mr Declan Smyth, - Thames Valley Police - Licensing - Attached as **Appendix MG-3**

9. Powers of the Authority in determining an application for the grant of a premises licence

The Licensing authority, when determining an application for the grant of a premises licence may:

- Grant the application as applied for
- Grant the application with modifications
- Refuse the application

10. Licensing Objectives and Reading Borough Council's Licensing Policy Statement

In considering representations received 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

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter, or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

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.

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

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be taken into account and issues dealt with in a spirit of partnership and cooperation.

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.

5. Licensing Applications

Grant and Full Variations

5.6 During the 28-day consultation period, the authority will scrutinise the application along with all of the other Responsible Authorities to judge whether it undermines the promotion of the licensing objectives. The application will be made available to any person who requests to see it. As per Section 18 (6) of the Licensing Act 2003, it will consider the likely effect of granting any licence on the promotion of the licensing objectives. The authority will expect all applicants to have taken cognisance of the Secretary of State's Guidance; local strategies and initiatives; this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

5.7 Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Applications Committee for determination.

6. Licensing Conditions

General Approach

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant/variation of a premises licence or club premises certificate)

6.2 The operating schedule within an application should contain an assessment from the proposed licence holder of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance which outlines the matters that an applicant should take into

account such as issues in the locality and why their proposed measures are suitable for their proposed operation.

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.

7. Licensing Hours

General Approach

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

8. Children in Licensed Premises

8.6 The Authority will expect all licence holders or premises that wish to allow children on to their premises to ensure that access is restricted where appropriate. This would include, ensuring that all children are accompanied and that they do not have access to or sight of alcohol.

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.

12. 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.

Steps to promote the licensing objectives:

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

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

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

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

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

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website.
- Neighbourhood Statistics website.
- websites or publications by local responsible authorities.
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

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

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

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

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.

Hearings

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. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

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.

Licensing Act 2003

The Licensing Act 2003 under Section 18 (6) also states that any relevant representation should be considered in the context of:

(a) the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Therefore, in the context of the grant of a licence, it is reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives.

13. Relevant Case law for consideration:

(R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment, and should not be looked at entirely in isolation and confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises.

R (on application of Murco Petroleum Ltd) v Bristol City Council [2010] EWHC 1992 (Admin) This case confirms that licensing committees and courts can require applicants to provide any information that they believe will help them make a decision about the promotion of the licensing objectives

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.

14. Appendices

Appendix MG-1: Premises Licence Application Form

Appendix RS-2: Representation by Robert Smalley - Reading Borough Council

- Licensing

Appendix RS-3: Representation by Declan Smyth - Thames Valley Police -

- Licensing

Application for a premises licence to be granted 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.

We GS Chopra Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Today's Express 17 Duke Street Reading Berkshire RG1 4SA			
Post town	Reading	Postcode	RG1 4SA

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	£16,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i) as a limited company/limited liability partnership please complete section (B)
- ii) as a partnership (other than limited liability) please complete section (B)
- iii) as an unincorporated association or please complete section (B) iv
- other (for example a statutory corporation) please complete section (B) c) a
- recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body, please complete section (B)
- g) a person who is registered under Part 2 of the Care please complete section (B)
- Standards Act 2000 (c14) in respect of an independent hospital in Wales

- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B) and

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service) the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service) the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).	

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name GS Chopra Ltd
Address 76 Rowan Road West Drayton London Borough of Hillingdon UB7 7UD
Registered number (where applicable) 12832264
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) tbc
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	3	0 4 2 0 2 3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
Location The Today's Express is a convenience store located on a busy road within the Town Centre with other shops. The premises are located on the ground floor only.

Scope of application

The business will operate as an off licence and convenience store throughout the day and evening from 08:00 hours each day until 23:00 hours.

History

The shop had the benefit of a premises licence for many years under various ownership but was revoked at a recent Licensing Hearing for breaches of licence conditions. The new proprietors are GS Chopra Ltd with Mr Chopra as the sole Director, are submitting this application.

For the avoidance of doubt Mr Chopra is not, and never has been a business associate of the previous owner Mr Aziz.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises? (please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)
- Provision of late night refreshment** (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 7)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					

Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)	<u>Please give further details</u> (please read guidance note 4)
---	---

Day	Start	Finish	
Mon			<p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)</p> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<p><u>Please give further details here</u> (please read guidance note 4)</p> <p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)</p> <p><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

--	--	--

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur								
Fri								

			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)			

Wed			
Thur			
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sun			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) None		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)	<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
		Off the premises	<input checked="" type="checkbox"/>

Day	Start	Finish	Both	<input type="checkbox"/>
Mon	08:00	23:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) None	
Tue	08:00	23:00		
Wed	08:00	23:00		
Thu	08:00	23:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) None	
Fri	08:00	23:00		
Sat	08:00	23:00		
Sun	08:00	23:00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Mr Gulinder Singh CHOPRA
Date of birth	25/01/1995
Address	76 Rowan Road West Drayton UB7 7UD
Postcode	UB7 7UD
Personal licence number: 19/02179/LAPER	
Issuing licensing authority: Buckinghamshire Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9). None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)	
Day	Start	Finish		
Mon	06:00	23:00		
Tue	06:00	23:00		
Wed	06:00	23:00		
Thu	06:00	23:00		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	06:00	23:00		
Sat	06:00	23:00		
Sun	06:00	23:00		

M

Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

<p>1.0 LICENSING OBJECTIVES</p> <p>a) All members of staff working in the shop will be trained in how to promote the four licensing objectives.</p>
--

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, searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol
 - h. 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 DPS.

4.0 REFUSALS

All staff to be trained to record refusals of sales of alcohol 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) Details of the alcohol the person attempted to purchase
- d) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police.
- e) 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 premises age verification policy
- b) The law relating to sales of age restricted goods
- c) The procedure for validating documents produced as proof of age d) Proxy purchasing
- e) Identifying intoxication
- f) Staff shall be trained in conflict management and refusals of sale
- g) 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.
- h) Refresher training for front of shop assistants will be provided every six months.
- i) All staff authorised to sell alcohol shall be trained in responsible alcohol retailing (ARAR) or any other similarly nationally recognised course curriculum within 4 weeks for existing and new employees.

5.0 RECORDS PURCHASES ALCOHOL AND TOBACCO

- a) The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all tobacco and alcohol products purchased in the preceding six months.

6.0 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.

d) The prevention of public nuisance

7.0 NOISE PREVENTION

- a) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses, and to leave the area quietly

e) The protection of children from harm

8.0 CHALLENGE 25

- 1) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised holographic photograph identification cards:
 - a) driving licence
 - b) passport
 - c) proof of age card with the PASS Hologram.
 - d) Staff shall be trained in the five point and FLARE checklist to identify fraudulent cards.
 - e) Staff training on checking proof of age procedures will be recorded and kept on file.
 - f) Challenge 25 posters shall be displayed by the shelves that have alcohol on display and by the cashier counter.

9.0 REFUSALS LOG

- a) A record shall be kept detailing all refused sales of alcohol and shall include the date and time of the refused sale and the name of the staff member who refused the sale.
- b) The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open

10.0 DELIVERY CONDITIONS

- a) Alcohol shall only be delivered to a bona fide residential or commercial address. Deliveries shall not be made to car parks, bus stops, middle of fields, etc.
- b) Any order for a non bona fide address shall be refused and the reason for refusal recorded in the refusals book. Alcohol must not be delivered to an address other than as per the order.
- c) It shall be a term of any contract or agreement, between the premises licence holder and any third party delivery company, that the delivery company shall require ID verification when orders containing age restricted items are delivered.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
-
-

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>William Donne</i>
Date	5 th March 2023

Capacity	Licensing Agents Silver Fox Consultants 61 St Marys Butts Reading RG1 2LG Tel: 0773 873 4586 Email: billdonne107@hotmail.com
----------	--

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the nonresidential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways:

- 1) by providing with this application copies or scanned copies of the documents which an applicant may provide to demonstrate their entitlement to work in the UK (which do not need to be certified) that are published on GOV.UK and in [guidance issued under section 182 of the Licensing Act 2003](#)
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application) will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



Name of Officer	Robert Smalley						
Type of Application	Premises Licence - Grant - Licensing Act 2003						
Name of Premises	Today's Express						
Address	17 Duke Street						
	Reading						
	RG1 4SA						
Licensable Activities	Sale by Retail of Alcohol (Off Sales)						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	2300	2300	2300	2300	2300	2300	2300
Content of Application:							
<p>The application was submitted by GS Chopra Ltd.</p> <p>The application seeks the grant of a premises licence pursuant to the Licensing Act 2003 for the sale of alcohol by retail (off sales). The proposed licensable hours are from 0800hrs to 2300hrs, with the premises open to the public from 0600hrs to 2300hrs, 7 days a week.</p> <p>The premises is located on Duke Street in Reading town centre which sits between Kings Road and London Street, approximately 85 metres east of the Oracle shopping centre. Duke Street is a busy road with a northbound bus and cycle lane and a southbound carriageway open to all vehicles. There is regular foot traffic on both sides of the pavement throughout the day.</p>							
Licensing Officer's Comments:							
The approach of the Licensing Team:							
<p>The Responsible Authorities named in the Licensing Act 2003 have to ensure that the licensing objectives are all actively promoted to prevent crime and disorder, prevent public nuisance, to protect children from harm and to ensure public safety. All four licensing objectives are of equal importance.</p> <p>The Licensing team wish to make representation in relation to the above application submitted by GS Chopra Ltd for their premises at 17 Duke Street, Reading, RG1 4SA. We do not believe the measures outlined in the operating schedule are robust enough to ensure the promotion of the four licensing objectives. Sections 8.41 to 8.49 of the Secretary of State's Guidance (2022) outline what applicants should consider when they are filling out their operating schedule - including sufficient measures and why those measures</p>							

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

The previous premises licence for 17 Duke Street was revoked in February 2023. After hearing all representations, the Sub-Committee had no confidence that the then licence holder understood his responsibilities to promote the four licensing objectives. The Sub-Committee had considered the evidence of numerous breaches of the conditions of the licence, the licence holder's lack of engagement with Thames Valley Police, and were particularly concerned about the absence of CCTV footage when requested by the police, and examples of out of hours sales of alcohol in November and December 2022

It is appreciated that the application before the sub-committee is that of a grant and not a review. Further, it is categorically stated in the application form that the current applicant and the previous licensee are not, and have never been, business associates. However, it is pertinent to remember the issues that resulted in the previous licence being reviewed because it explains why the conditions proposed in this representation are appropriate and proportionate to promoting the licensing objectives.

The applicant, via his licensing consultant, did reach out to Reading Borough Council to enquire what conditions the Licensing Department would consider appropriate to be attached to any new licence that may be applied for at 17 Duke Street. Reading Borough Council Licensing drafted a set of conditions, which were sent to Thames Valley Police Licensing for their views, and both parties deemed the conditions, which were subsequently sent to the applicant, to be appropriate to promote the 4 licensing objectives. The applicant has taken some of the proposed conditions and included them in the application, however, the amendments to, and omissions of, other proposed conditions in the submitted application form are considered to result in a schedule that is not robust enough to ensure that the likely effect of the granting of the licence will be the promotion of the licensing objectives.

It is unfortunate that Reading town centre, like many other densely populated urban towns and cities, has issues with shoplifting, street drinking and anti-social behaviour linked to consuming alcohol. The new application does mention the history of the premises in so far as to state that the licence was revoked, however, there is no mention of the issue of street drinking, which is propagated by the allure of cheap, super strength alcohol (above 6.5% ABV) being sold in single cans. This is an issue that has been apparent for a number of years outside this premises, and, if this licence is granted without any conditions to address the issue, then it is believed that the likely result will be that street drinkers, whom, until recently when the previous licence was revoked, had regularly sat in Thorn Lane consuming high strength alcohol, will return and instances of anti-social behaviour will increase.

Reading Borough Council - Statement of Licensing Policy 2018

6.2 The operating schedule within an application should contain an assessment from the proposed licence holder of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance which outlines the matters that an applicant should take into account such as issues in the locality and why their proposed measures are suitable for their proposed operation.

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti-social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol

related anti-social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as ‘Reducing the Strength’ are proven to reduce alcohol related anti-social behaviour in the Borough.

Secretary of State’s Guidance (December 2022)

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

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

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

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

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the

promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

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

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached

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

should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Summary

The Licensing team are not objecting to the hours or licensable activities contained within this application. We do, however, consider that not enough information has been provided within the operating schedule to address the concerns that arise from operating an off-licence in a town centre that already feels the strain of crime and anti-social behaviour related to off-sales of alcohol. We respectfully ask the Sub-Committee to refuse the application in its current form due to the insufficient measures the applicant has proposed.

If the Licensing Sub-Committee are satisfied that the applicant is able to demonstrate that they understand our Licensing policy and that granting the application would actively promote the four licensing objectives, then we would respectfully ask for the following conditions to be attached to any licence that is granted:

1. 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 and store room shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside all exits to 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.

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

3. 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
- The law relating to age restricted goods
- Dealing with refusal of sales
- Proxy purchasing

- The procedure for validating documents produced as proof of age
- Identifying 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 12 months 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 in responsible alcohol retailing (ARAR) (or any other similarly nationally recognised approved accredited qualification course within 4 weeks for existing and subsequent employees. Evidence of such training having been undertaken and completed shall be retained for inspection at the premises for a period of no less than one year from completion. All training shall be provided by an accredited training provider.

4. 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

- a) 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.

5. 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. Where known, any offenders names shall also be recorded.

It must be completed within 24 hours of the incident and will record the following:

- i. all crimes reported to the venue
- ii. any complaints received concerning crime and disorder

- iii. any incidents of disorder
 - iv. any faults in the CCTV system
 - v. any refusal of the sale of alcohol
 - vi. any visit by a relevant authority or emergency service.
- a) 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.
- b) a weekly review of the incident register shall be carried out by the DPS.

6. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID, a proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) or a national ID card, that contains an ultraviolet feature or holographic mark are to be accepted as identification

7. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises.

8. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age.

9. No beers, lagers or ciders above 6.5% ABV shall be sold on the premises at any time.

10. All cans or bottles of alcopops, beers, ales, lagers or ciders shall only be sold in multiples of four or greater.

11. The premises licence holder shall implement a policy to actively disperse customers from the premises and the immediate vicinity. The policy must be in written format and be made available for inspection by authorised officers of Reading Borough Council and Thames Valley Police. All members of staff shall be trained in this policy.

12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses, and to leave the area quietly.

13. Alcohol shall only be delivered to a bona fide residential or commercial address. Deliveries shall not be made to car parks, bus stops, middle of fields, etc. Any order for a non bona fide address shall be refused and the reason for refusal recorded in the refusals book. Alcohol must not be delivered to an address other than as per the order.

14. It shall be a term of any contract or agreement, between the premises licence holder and any third party delivery company, that the delivery company shall require ID verification when orders containing age restricted items are delivered. A Challenge 25 age verification policy must be operated. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID, a proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) or a national ID card, that contains an ultraviolet feature or holographic mark are to be accepted as identification. Orders must not be left with anyone under the age of 18 years and must be returned to the premises and the reason for refusal recorded in the refusals book.

15. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all tobacco and alcohol products purchased in the preceding six months.

16. There shall be risk assessments for Health and Safety in place and reviewed annually or sooner if required.

17. There shall be a specified named first aider.

NB: The applicant must ensure that the above measures have been put in place before conducting any licensable activities.

Case Law

The case of British Beer and Pub Association (and others) v Canterbury City Council (2005) EWHC 1318 (Admin) is clear on the importance of the licensing policy; it's importance in setting out its expectations regarding licensing and guiding applicants in relation to those expectations. Mr Justice Richards stated:

(Para 82) A policy relating to the decision-making stage under s 18(3) not only guides the decision-maker but also serves to inform an Applicant about what he should consider in preparing his application.... An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions, whether under the administrative procedure in the absence of relevant representations or on a decision by the council under s 18(3) in the event of relevant representations.

(Para 83) The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an Applicant can legitimately complain if a

failure to take account of those expectations gives rise to representations.

The Licensing Authority must consider each application on its own merits with a view to assessing the **likely effect** of granting such a licence on the promotion of the licensing objectives which is reasonably acceptable in a particular location (Paragraph 18 (6) of the Licensing Act 2003). This is confirmed in (R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 where Lord Justice Toulson stated:

(Para 42) Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.

Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.

The above approach to grant applications and the prospective nature of the licensing objectives was confirmed in East Lindsey DC v Abu Hanif (2016) EWHC 1265 Admin, where Mr Justice Jay stated:

(Para 18) 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.

Date Received	05/03/2023	Date Due	02/04/2023
----------------------	------------	-----------------	------------

Date	22	03	2023
-------------	----	----	------

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref: GS Chopra Ltd, Today's Express, 17 Duke Street, Reading, RG1 4SA Date: 21st March 2023

Subject :

Objection

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a Application for a premises licence submitted by GS Chopra Ltd in relation to Today's Express, 17 Duke Street, Reading, Berkshire RG1 4SA as it is believed that this application in its current format will undermine the four licensing objectives with specific regard to that of the prevention of crime & disorder.

The proposal before the Sub-Committee is for:

Supply of Alcohol (Off Premises), Monday to Sunday 08:00-23:00

Hours Premises Are Open To The Public, Monday to Sunday 06:00-23:00

Named DPS:

Mr Gulinder Singh Chopra

On Friday 10th February 2023 Reading Borough Council's Licensing Sub-Committee heard the application for the review of a Premises Licence. The decision was reached to revoke the licence. The reason given for making this decision:

After hearing all of representations the Sub-Committee had no confidence that the licence holder understood his responsibilities to promote the four licensing objectives. The Sub-Committee had considered the evidence of numerous breaches of the conditions of the licence, the licence holder's lack of engagement with Thames Valley Police, and were particularly concerned about the absence of CCTV footage when requested by the police, and examples of out of hours sales of alcohol in November and December 2022.

Of course due to the history of this site and nature of the previous incidents leading to that review it is imperative that theses criminal activities and wholesale failures are not repeated. The concern of Thames Valley Police is that this application has been made in an attempt to circumvent the review process relating to this premises and if granted will likely lead to the continuation of poor practice and a failure to uphold the licensing objectives.

We strongly recommend that based on these concerns extreme scrutiny and due diligence be carried out by the licensing sub-committee to insure that this is indeed a "New" application, and not a "rebranded" application that will likely undermine the four licensing objectives.

Prior to this application Thames Valley Police can confirm that together with the help of Reading Borough Council licensing department, a comprehensive list of proposed conditions was produced to aid the applicants consultant in drafting up the premises licence application. We at Thames Valley Police encourage all applicants to discuss any concerns which they may have with us. The proposal made by the applicant and his consultant is basic in nature and contains a lack of conditions that reflect the serious nature of the history of the premises.

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

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

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached.

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

In Conclusion Thames Valley Police strongly feel that this application in its current format and without further scrutiny is likely to undermine the licensing objectives, due to its failure to address sufficient conditions within the operating schedule that would provide reassurance that the failings of Today's Express are not repeated.

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

“Importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of the prevention and deterrence”

Therefore in this situation we would state our opinion that the licensing objectives are prospective and can be preventative and would urge the Licensing Sub-Committee to refuse this application for a premises licence in order to prevent the licensing objectives from being undermined.

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

1. 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 and store room shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside all exits to 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.

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

3. 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
- The law relating to age restricted goods
- Dealing with refusal of sales
- Proxy purchasing

- The procedure for validating documents produced as proof of age
 - Identifying 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 12 months 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 in responsible alcohol retailing (ARAR) (or any other similarly nationally recognised approved accredited qualification course within 4 weeks for existing and subsequent employees. Evidence of such training having been undertaken and completed shall be retained for inspection at the premises for a period of no less than one year from completion. All training shall be provided by an accredited training provider.

4. 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
- a) 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.

5. 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. Where known, any offenders names shall also be recorded.

It must be completed within 24 hours of the incident and will record the following:

- i. all crimes reported to the venue
- ii. any complaints received concerning crime and disorder
- iii. any incidents of disorder
- iv. any faults in the CCTV system
- v. any refusal of the sale of alcohol
- vi. any visit by a relevant authority or emergency service.
 - a) 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.
 - b) a weekly review of the incident register shall be carried out by the DPS.

6. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID, a proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) or a national ID card, that contains an ultraviolet feature or holographic mark are to be accepted as identification

7. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises.

8. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age.

9. No beers, lagers or ciders above 6.5% ABV shall be sold on the premises at any time.
10. All cans or bottles of alcopops, beers, ales, lagers or ciders shall only be sold in multiples of four or greater.
11. The premises licence holder shall implement a policy to actively disperse customers from the premises and the immediate vicinity. The policy must be in written format and be made available for inspection by authorised officers of Reading Borough Council and Thames Valley Police. All members of staff shall be trained in this policy.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses, and to leave the area quietly.
13. Alcohol shall only be delivered to a bona fide residential or commercial address. Deliveries shall not be made to car parks, bus stops, middle of fields, etc. Any order for a non bona fide address shall be refused and the reason for refusal recorded in the refusals book. Alcohol must not be delivered to an address other than as per the order.
14. It shall be a term of any contract or agreement, between the premises licence holder and any third party delivery company, that the delivery company shall require ID verification when orders containing age restricted items are delivered. A Challenge 25 age verification policy must be operated. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID, a proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) or a national ID card, that contains an ultraviolet feature or holographic mark are to be accepted as identification. Orders must not be left with anyone under the age of 18 years and must be returned to the premises and the reason for refusal recorded in the refusals book.
15. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all tobacco and alcohol products purchased in the preceding six months.
16. There shall be risk assessments for Health and Safety in place and reviewed annually or sooner if required.
17. There shall be a specified named first aider.
18. 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
19. 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.
20. A current written authorisation list shall be displayed in a prominent position 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.
21. 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 will include:
 - Proof of identity (such as a copy of their passport)

- Nationality
- Current immigration status
- Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of one year. 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 or Thames Valley Police upon request.

22. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.