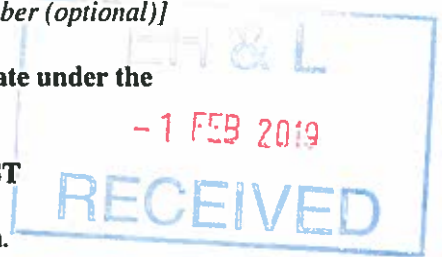


[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Simon Wheeler, on behalf of the Chief Constable of Thames Valley Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in part 1 below:

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Hot News 17-18 Market Street	
Post town Newbury	Post code (if known) RG14 5DP

Name of premises licence holder or club holding club premises certificate (if known)
Mr Herish Abdulrahman Hasan

Number of premises licence or club premises certificate (if known)
17/00259/LQN

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Thames Valley Police C/O Reading/ West Berkshire Licensing Dept Reading Police Station Castle Street Reading RG1 7TH
Telephone number (if any) 101
E-mail address (optional) Licensing@thamesvalley.pnn.police.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

Thames Valley Police (TVP) as a responsible authority under the Licensing Act 2003 and under the objectives of prevention of crime and disorder, public safety and the prevention of public nuisance make an application for the review of Premises Licence No. 17/00259/LQN Hot News, 17-18 Market Street, Newbury, Berkshire, RG14 5DP.

Thames Valley Police will state that on 22nd October 2018 authorised officers from the local licensing authority observed alcohol sold from the premises being consumed by street drinkers sat on the pavement outside of the shop. During a consequent inspection at the same time by the authorised officer a number of licence conditions were found in breach, many of which have a direct impact on the sale of high strength alcohol to street drinkers and undermines the prevention of crime and disorder and public nuisance.

Furthermore on the 24th October 2018 during an inspection by Thames Valley Police premises staff were observed continuing to sell alcohol to street drinkers. It was also recorded that no action had been taken to rectify the breaches of conditions or concerns that the designated premises supervisor had been made aware of 48 hours before by the licensing authority, and 100% of the licence conditions were still in breach.

Please provide as much information as possible to support the application (please read guidance note 3)

The following chronology refers in relation to this premises licence review:-

Monday 22nd October 2018

At approximately 1.00pm Alex Lisowski (West Berkshire Licensing Authority) reported that he observed a street drinker outside of Hot news seated on the pavement consuming a can of alcohol. On his return to the premises at 1.20pm he discovered that a second street drinker was now also seated outside of the premises (both consuming from open cans of Stella Artois lager)

Staff confirmed that the alcohol had been purchased within the premises.

During the following licence inspection it was identified that condition 3 on page 6 of the premises licence was in breach as alcohol as denoted within this condition above 5.3% abv was accessible to the public in contradiction to the condition, and **not** stored in area to which the public does not have access. (APPENDIX TVP1 refers)

Wednesday 24th October 2018

At 3.00pm Thames Valley Police conducted a licensing inspection at the premises (APPENDIX TVP2 refers).

During the inspection the staff member on duty was unable to recall knowledge of any of the four licensing objectives, he was unaware of the "Challenge 25" licensing condition or age verification policy, instead stating he believed it was "not to sell to anyone under 18" only, and did not know who authorised him to sell alcohol either.

At the rear of the store was observed a refrigerator which was easily accessible by the public. Contained within the refrigerator were cans of lager and other alcohol. It was observed that cans had been singularly split from the plastic rings holding packs of Carlsberg together which was a direct contravention of condition 2 page 6 in relation to the sale of alcohol.

Above the fridge was a sign stating that beer/cider above 5.3% must not be on display. However, opposite the fridge on the floor was a large stack of above 5.3% abv cans of cider and lager which were being split and sold singularly, whilst also being readily accessible to the public. (APPENDIX TVP3 refers).

During this time officers observed two males of the street drinking community enter the shop at different times and walk directly to the rear of the premises where the high strength alcohol was stacked. One selected three cans of "K" cider with an abv of 8% which was split from a pack of four. The second male selected a single can of high strength alcohol.

Both were able to purchase the alcohol without any challenge from the member of staff and it was clear from their actions and knowledge of where the high strength alcohol was stored that this was a regular occurrence for them. Again these sales again breached both condition 2 and 3 under the heading of alcohol sales within the premises licence.

Furthermore it was noted that all conditions contained within the premises operating schedule were non-compliant details of which were recorded at the time within the inspection sheet (TVP2).

Advice was provided at the time that as all of the licence conditions were non complaint that the Premises Licence Holder/Designated Premises Supervisor should consider suspending licensable activity until such time as all of the premises licence conditions were in compliance. Due to the fact that licensable activity was taking place otherwise than in accordance with a licence.

This advice was not implemented.

Tuesday 27th November 2018

Thames Valley Police submitted a letter to the premises licence holder outlining the concerns from the inspection that had been carried out as well as inviting all relevant parties to a performance meeting at Newbury Police Station to be held on Thursday 6th December 2018. (APPENDIX TVP4 refers)

Friday 14th December 2018

A performance meeting was held at Newbury Police Station for which the initial intention was to gain confidence that the licence breaches had been fully understood and rectified, and to view any evidence that was able to be provided by Mr Hasan to show that he now had suitable processes in place to promote the licensing objectives rather than undermine them.

Unfortunately during the meeting it was confirmed that no effective action had been taken by Mr Hasan to rectify any of the issues that had been outlined, and no evidence was able to be presented to the attendees to provide any confidence in his ability to ensure that the licensing objectives were promoted and not undermined.

Due to the failure of Mr Hasan to comply with the premises licence and his reluctance to make sufficient changes (often citing cash flow) as a rationale for non-compliance it was not deemed suitable to offer any further rectification to this matter such as the offering of new licence conditions.

The rationale being that Mr Hasan had previously been and still was unable to comprehend his obligations and responsibilities regarding licence compliance and it was determined fruitless to offer more conditions for which he likely still would fail to comply with. (See APPENDIX TVP5)

8th January 2019

Thames Valley Police licensing summary report detailing a precise' of incidents and engagements recorded against this premises location between April 2017 and January 2019. (APPENDIX TVP6)

In conclusion Thames Valley Police believe that due to the failure of the premises licence holder to uphold any of the four licensing objectives via both due diligence and compliance with the premises licence that the it is both necessary and proportionate to revoke this premises licence.

Thames Valley Police do not think that any of options that are available to the licensing sub-committee can ensure that this premises licence promotes the licensing objectives. The premises licence holder has proven to be totally ineffective from the perspective of ensuring that any current conditions are complied with or any due diligence is carried out and since October 2018 has been conducting licensable activity otherwise that in accordance with a licence.

This premises has been identified as a location which is targeted by street drinkers as a shop that provides easy access to high strength alcohol which arguably has led to incidents within the last twelve months of disorder at the shop involving intoxicated persons, as well as causing a public nuisance whereby drunks sit on the pavement outside of the shop and consume alcohol.

It has been proven that little or no steps have been taken by Mr Hasan to ensure that suitable processes are in place to implement any good practice measures or to train his staff in the rudimentary elements of how to responsibly retail alcohol which in turn is leading to concerns relating to crime and disorder, public safety and public nuisance emanating from this premises.

However if the licensing sub-committee were not of a mind to revoke the premises licence as is strongly recommended by Thames Valley Police then we would ask that the following set of conditions be added to the current licence as a replacement for the current operating schedule:

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:-

- The premises age verification policy
- The Four Licensing objectives
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises.

a) Refresher training shall be provided every 6 (six) months.

b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training, and made available for inspection by a Police Officer or authorised officer of the licensing authority upon request.

c) Staff authorised to sell alcohol shall be accredited to BII Level 1 award in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved accreditation curriculum within four weeks for existing and subsequent employees.

2. 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.

3. 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.

4. There shall be no self-service of spirits except for spirit mixtures.

5. There will be no sales/supplies of alcopops, beers, ales, lagers or ciders with an ABV over 5.3% in cans or bottles.

6. No single cans or bottles of alcopops, beer, ales, lagers or ciders shall be sold; and they shall only be sold in multiples of four.

7. The licence holder shall actively participate in initiatives set up by the Police; the licensing authority or local Pubwatch where available, and including initiatives to tackle drunken behaviour and street drinking.

8. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of the licensing authority or 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 three months. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.

9. 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 made available for inspection to authorised officers of the licensing authority and Police. All members of staff shall be trained in this policy.

10. A litter bin shall be provided at the premises and the immediate area outside the premises shall be kept clear of litter at all times when it is open for licensable activity.

11. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of the licensing authority and Police upon request.

12. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position.

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

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

15. 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 the licensing authority or 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.

16. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.

a) The register shall be made available for inspection to authorised officers of the licensing authority and Police upon request;

17. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. Data recordings shall be made immediately available to an authorised officer of Police or the licensing authority 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.

Appendices:

TVP1 – Report from Alex Lisowski (West Berkshire Licensing authority) 22nd October 2018

TVP2 – Licensing inspection sheet from TVP 24th October 2018.

TVP3 – Images taken from within the premises during the inspection on 24th October 2018.

TVP4 – Letter from TVP detailing inspection details and requesting a performance meeting.

TVP5 – Notes of PC Wheeler taken during the premises performance meeting on 14th December 2018.

TVP6 – Licensed Premises summary report detailing incidents and engagements at the premises between April 2017 and January 2019.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

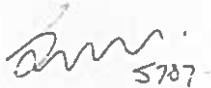
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



5707

Date **31/01/2019**

Capacity **Thames Valley Police (Authorised officer) Reading/West Berkshire LPA**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.