

Hot News is an off-licence and general store. It has a premises licence for the off-sale of alcohol. The premises licence holder and designated premises supervisor is Mr Herish Abdulrahman Hasan. A solicitor applied, on his behalf, for the licence on 24th February, 2017. Police wished to add to the licence conditions offered. On 8th March, 2017, the solicitor, on behalf of the applicant, agreed amended conditions. Amongst these added conditions was the following which was added to the licence when it was granted: "All alcopop style drinks, beers, lagers or cider of 5.3% by volume or higher shall be stored in an area to which the public have no access. These products shall only be sold to a prospective purchaser once they have been requested".

On Monday, 22nd October, 2018, at about 01.00pm I drove past Hot News whilst on the way to the Council Offices. As I drove past I saw a "street drinker" sat on the pavement, very close to Hot News. He had a can of drink in his left hand which he was drinking from. Having got to the Office and dealt with some work, I returned to Hot News at about 01.20pm. By now the 1st "street drinker" had been joined on the pavement by another one. Both of them were drinking from cans of "Stella Artois" lager. I went into the off-licence and introduced myself to the sales assistant as a licensing officer. The premises licence holder wasn't present. I explained to the shop assistant that I was there because of the street drinkers, and we then went outside where I pointed out the street drinkers. The shop assistant volunteered to me that they had bought their cans of lager from Hot News. The 2 "street drinkers" moved off a short while later.

I subsequently started a licensing inspection. In the off-licence, standing in front of the sales counter, I saw against the far wall shelves stacked with various bottles and cans of alcohol. To the left of the shelves was a cabinet cooler with clear glass doors. This contained various bottles and cans of alcohol. Both the shelves and the cabinet were clearly visible and accessible to customers of the off-licence. As I checked the alcohol I saw that some of the cans of beer, lager or cider had a strength below 5.3%. Others had a strength above 5.3%, some as strong as 9%.

By now the premises licence holder and designated premises supervisor, Mr Hasan, had come to the shop. I pointed out to him that he had breached the conditions of his premises licence by openly displaying for sale cans and bottles of lager, beer and cider with a strength above 5.3%.

In the cabinet cooler there were the following cans and bottles that breached the licence:

- 17 cans of "Omega" white cider, alcohol strength 7.5%
- 20 cans of "Zywiec" lager, alcohol strength 5.6%
- 12 cans of "Zubr" lager.beer, alcohol strength 6%
- 12 cans of "Desperados" beer, alcohol strength 5.9%
- 13 cans of "Warka" beer, alcohol strength 5.5%
- 11 cans of "Super X" beer, alcohol strength 9%

12 cans of "Perca" beer, alcohol strength 6%

16 bottles of "Omega" white cider, alcohol strength 7.5%

Displayed on the shelf there were the following cans and beers that breached the licence:

5 cans of "Warka" beer, alcohol strength 5.5%

16 cans of "Warka Strong" beer, alcohol strength 6.5%

15 cans of "Debowe" beer, alcohol strength 7%

10 cans of "Skol Super" lager, alcohol strength 9%

7 cans of "Carlsberg Special Brew" lager, alcohol strength 8%

9 cans of "Barnstormer Black" beer, alcohol strength 7.5%

9 cans of "K" cider, alcohol strength 8%

13 cans of "Perla" beer, alcohol strength 7.6%

14 cans of "Perla Pils" lager, alcohol strength 6%

12 cans of "Perla Midowa" lager, alcohol strength 6%

14 cans of "Karpackie" beer, alcohol strength 9%

14 cans of "Okocim" beer, alcohol strength 7%.

In all there were 16 bottles and 235 cans of beer, lager and cider, with a strength of above 5.3%, on display for sale. Of these, 106 were of a strength between 7.5% and 9%.

PREMISES - RECORD OF INSPECTION DATED:

Licence No	17/00259/LON
Name:	HDT NEWS
Address:	17-18 MARKET STREET NEWBURY, BERKSHIRE, RG14 5DP
Type:	Premises Licence Club Premises Certificate

Licence Inspection

Summary on Display: Yes No Correct Part A/Conditions held at Premises: Yes No

Premises Licence Holder: ALI ABDURAHMAN HASAN DPS: ALI ABDURAHMAN HASAN

DPS as per Licence: Yes No DPS Present? Yes No

If No, Reason: _____ Authorised Person: KAMA KESSMODEL

Licensable Activities (Carried On)

Regulated Entertainment: Plays | Films | Indoor Sporting Events | ~~Boxing/Wrestling~~ | Live Music | Recorded Music | Performance of Dance | Anything Similar

Are there any gaming machines? If so, how many? _____
Gaming permit produced and correct? _____

Late Night Refreshment: Yes No Sale/Supply of Alcohol: Yes No Location: On | Off | Both

Does the Licence/Certificate permit activities carried on? Yes No

Conditions of Licence/Certificate

1) NO incident book 2) NO notices book CCTV 1) NOT ALL areas covered (blind spots)
3) NO CCTV sign. Staff training 1) NO refresher training or records.
Sale of alcohol 1) not compliant. 2/3/4 in breach.
Protection of Children from harm - All non compliant.

Summary of Key Points Discussed

Lack of general non compliance.
Unlicensable activity - unauthorised sale of alcohol due to breaches.
Data protection request submitted for sale to drinks.

Document Checklist

Age policy operated 12!! Section 57 _____ Training Records _____ Authorisation List _____

Awareness of the Licensing Objectives by Licence Holder/DPS: A - Good | B - Fair | C - Bad (Circle Appropriate)

Inspection Outcome: Satisfactory Unsatisfactory 0/4.

Lead Authority Inspecting Officer(s): A 5787 J. J. J.

Signature of licensee or representative(s): _____

Date of Inspection: 28/10/2018

Time Started: 15:00 | Time Ended: 15:32

CONTINUATION SHEET OF ISSUES DISCUSSED:

Staff member does not know who authorises sale of alcohol.

Staff member states that some under 18 - no idea about age verification - not challenge 25 complaint. states only verbally trained - age policy.

Verbal training only - no records.

Staff training - staff member working one year. Only received training 12 months ago - no refreshers.

Page 6 - Sale of alcohol - 2 in breach customer purchased 2 x cans of 1/2 cider from pack of 4 which were split.

3 in breach area has public seal - signs displayed but not compliant as alcohol in a shade.

Protection of children from harm.

- Staff accepts driving licence and passport, ownership of military ID or PASS.

2) Nr challenge 25 notes.

Second note also selected single can from near area and believed to contain alcohol - proved regular process.

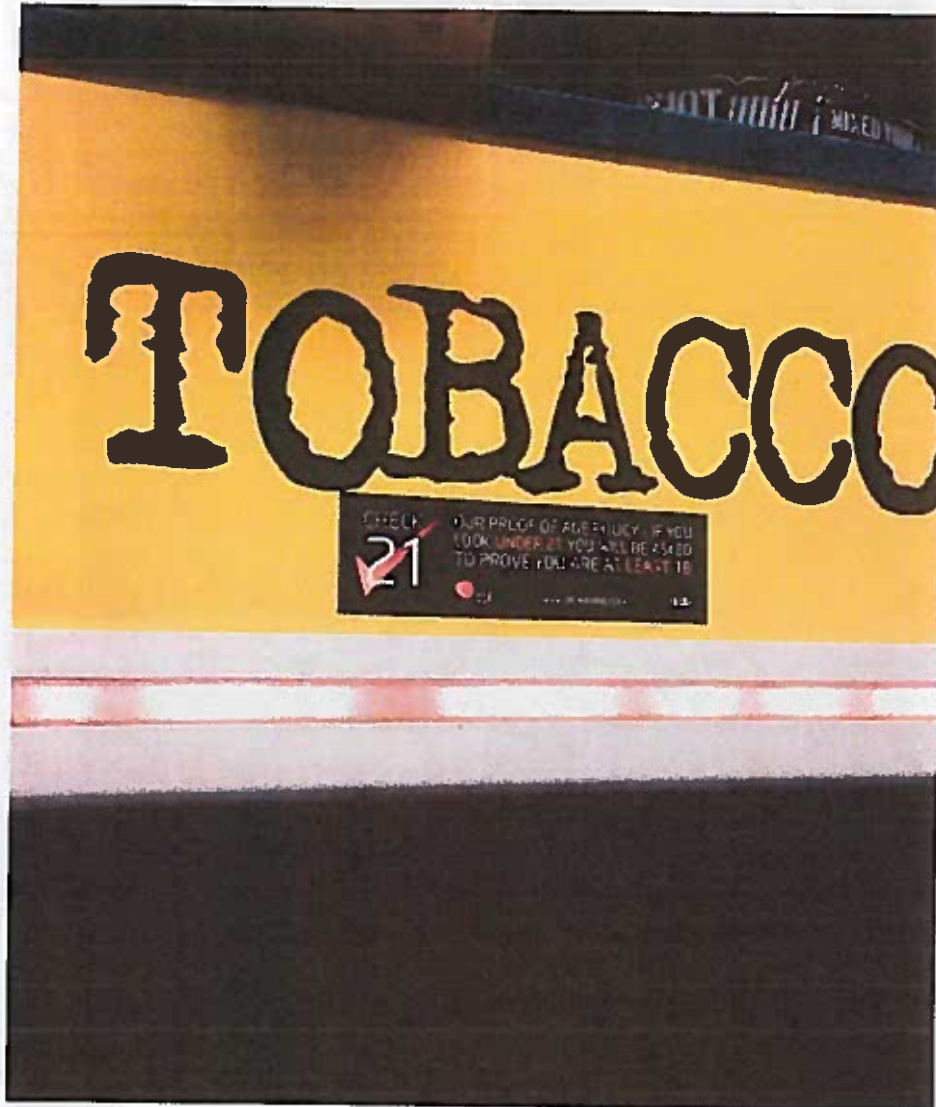
INSPECTING OFFICER: PC 5787 WHEELER

SIGNATURE OF LICENSEE/REPRESENTATIVE: _____

DATE OF INSPECTION: 24/10/2018

Advised unauthorised activity and not to sell alcohol till compliant - from time of inspection. Staff member aware this is voluntary measure to comply

Hot News photographic images taken on 24/10/18 between 1500 – 1532 hours



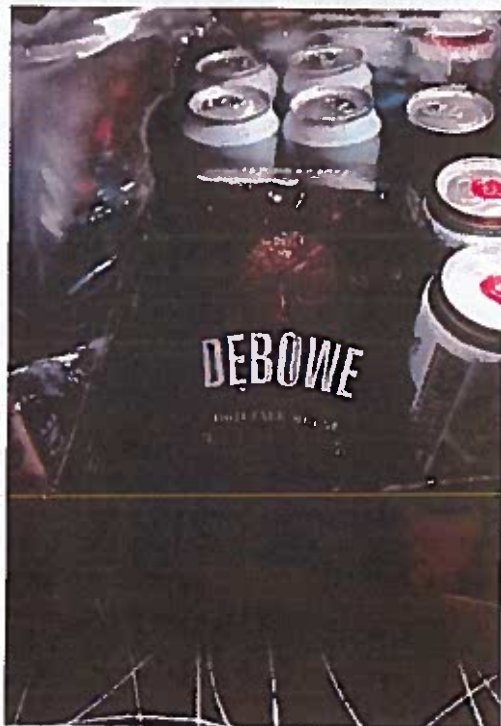
1. Above – Premises Licence page 6, conditions require Challenge 25 (Above Challenge 21)



2. Sale of Alcohol page 6 (2 & 3) Alcohol with ABV above 5.3% must be stored in an area without public access, and must not be split and sold individually. Above were stacked loose and being sold individually.



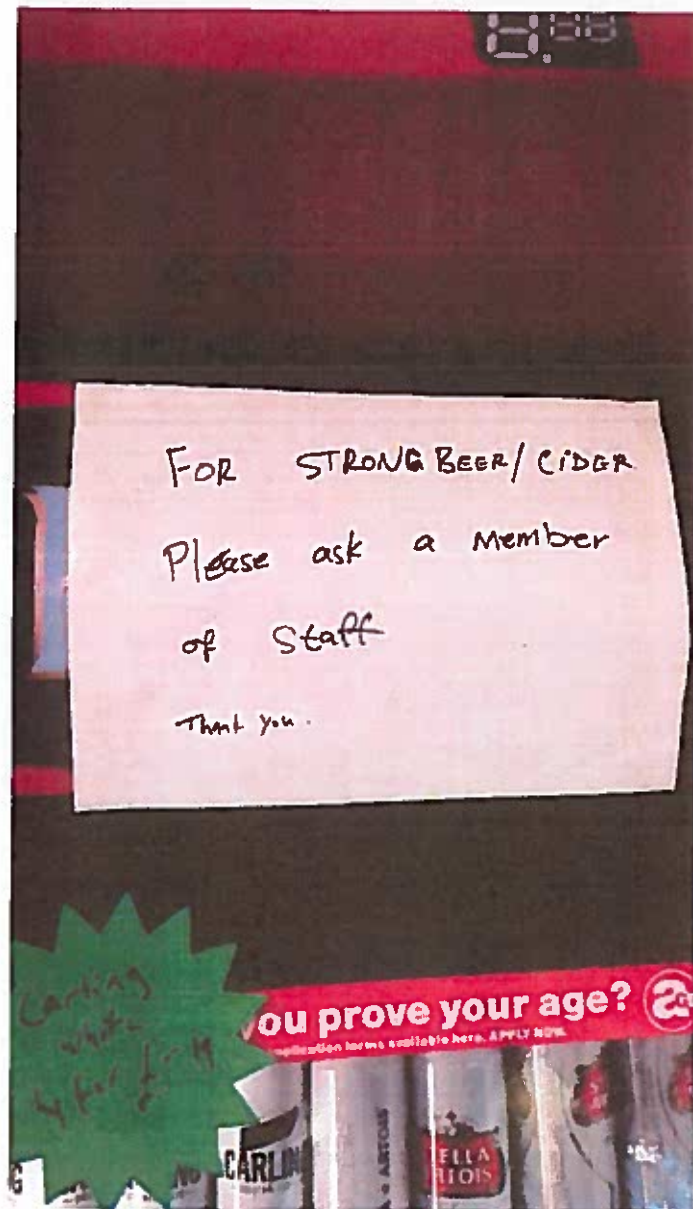
3. As (2) on previous page – high strength alcohol being sold individually and from an area with public access.



4. Examples of Policy high strength beer on display in public accessible area.



5. Image of the sign displayed above the refrigerator at the rear of the shop. The sign was found opposite to the stack of alcohol displayed in direct opposition to the requirements of the sign. Image also shows individual cans of lower strength beer split singularly which breaches condition (2) regarding the sale of alcohol.



6. Further sign displayed which was not being adhered too.



PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Mr Herish Abdulrahman Hasan
9 Walton Way,
Newbury,
Berkshire, RG14 2LL

Tel: 101 (07973231273)
Email:
simon.wheeler@thamesvalley.pnn.police.uk

Tuesday 27th November 2018

Licensing Act 2003

Premises Licence Number: 17/00259/LQN

Premises: Hot News

Premises Address: 17-18 Market Street, Newbury, Berkshire, RG14 5DP

Dear Mr Hasan

On the 22nd and 24th October 2018 your premises were visited consecutively by West Berkshire Council and Thames Valley Police.

During the visit on the 24th October 2018 I was assisted by your member of staff Hama Kessmodel.

During this inspection, I found a number of items that required attention as well as a number breaches of the licence condition.

This was compounded by the fact that a number of these same concerns were outlined to you during the Councils previous visit, and up to this date they had not been rectified or any sufficient action completed to remedy them.

Below outlines the breaches of conditions:-

- No Incident book was in use or available to be seen.
- No refusals book was in use or available to be seen.
- The CCTV system was not compliant as there were "blind spots" and not all licensed areas were covered.
- No CCTV signage was displayed.
- There was no staff training or refresher training records available, and the staff member confirmed he had only ever received very minor verbal training. (Staff member did not know Challenge 25 age verification standard or who authorises him to sell alcohol)
- Mutli pack cans were being split and sold individually to street drinkers.
- Alcohol with an ABV above 5.3% was not stored in an area where the public did not have access.
- Challenge 25 was not being operated.

During the visit at least two persons that were identified as street drinking individuals by my accompanying officer entered the premises; walked directly to the rear of the store and then selected and purchased single cans of high strength alcohol.

It was clear from the customers behaviour that this was a regular process and at no time was the sale of singular cans challenged by the staff member.

These sales are in direct contravention to the current licence conditions within your premises licence and have direct relevance to the four licensing objectives, and the need to support measures to prevent crime and disorder and reduce street drinking and the nuisance and harm that it causes.

At the end of the inspection advice was provided that the sale of alcohol be voluntarily suspended until all of the licence conditions were complied with and until the staff had an awareness of who was authorising them to sell alcohol, as these issues were leading to the unauthorised sale of alcohol and the carrying out of unlicensable activity.

As you are currently failing to promote the licensing objectives, and instead the licensing objectives are being undermined by this premises licence we are inviting you to attend a performance meeting to discuss immediate rectifications that are required.

We must inform you that this is a formal process and as such you may be accompanied by a licensing advisor if you feel that may be of assistance to you.

Meeting details:-

Thursday 6th December 2018 at 1.00pm.

Newbury Police Station, 12 Mill Lane, Newbury, RG14 5QU.

In the meantime can you please ensure that all of the above points contained within this letter are rectified immediately and please bring any evidence with you to show your due diligence regarding all of these matters as well as copies of the CCTV that was requested on the date of the visit.

Please email or telephone to confirm attendance by Monday 3rd December 2018.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept

Hot News Performance meeting notes

Newbury Police Station 14th December 2018 at 2.00pm

Attendees:

PC Simon Wheeler (TVP Licensing), PC Darryl Sowden (Newbury NHPT), PS Simon White (Newbury NHPT), Emilia Matheou (West Berkshire Licensing Authority), Michelle Di Gioia (Gardner Leader solicitors), Herish Abdulrahman Hasan (Premises Licence Holder & Designated Premises Supervisor)

SW – Outlined the reason for the performance meeting and the concerns and breaches of the licence contained within the letter dated 27th November 2018.

SW also asked Mr Hasan if he could name the four licensing objectives, what his understanding was of them and his awareness of the licensing conditions contained within the premises operating schedule?

HH – Was only able to name one of the licensing objectives (Public Safety) and could not describe an awareness of any others or the obligations which they place upon a PLH/DPS.

HH was unable to provide any evidence that he was knowledgeable of the licensing conditions contained within his operating schedule and, appeared confused and eventually stated that he had not complied with them as they were not very understandable.

SW – Confirmed via HH and MDG that when the licence had been applied for in 2017 that HH had agreed to include the conditions within his operating schedule and that he had worked with his legal representatives on this matter.

SW stated that it was difficult to understand how HH could agree to these conditions and had legal advice throughout that process but now states that the conditions are confusing and difficult to understand?

HH – Was unable to provide a reasonable answer to this fact.

SW – Outlined specifically the details of the first visit to the premises on 22nd October 2018 by Mr Lisowski and asked what was done immediately after that visit to rectify the breaches of conditions surrounding the sale and availability of alcohol above 5.3%?

HH – stated that he had rectified everything that he could but that his wife was having a baby, and in relation to the selling of single cans of alcohol to the street drinkers seated outside of the shop that the staff didn't intend to sell them!

SW – Further discussing the Thames Valley Police visit on the 24th October 2018; HH was asked why the breaches of conditions regarding the alcohol sales and display had not been rectified, and why 100% of all other conditions were found to be in breach?

SW also queried why when HH as the PLH and DPS had been specifically spoken to by Mr Lisowski 48 hours before he had not addressed the issues there and then and taken steps to ensure all other conditions were compliant?

SW finally raised the question why in HH's response earlier he had stated that he had rectified everything he could immediately after speaking with Mr Lisowski, however that clearly wasn't the case as on the 24th October it clearly hadn't been rectified?

EM – Further pointed out that the premises licence had not been on display on both occasions.

HH – Again appeared totally confused and unable to provide any reason or excuse for all of these failures; simply stating that he did not understand any of the conditions or what he should have done.

SW – Asked if the CCTV system was now compliant as the cameras did not cover all of the licensed areas as specified within the condition, whether the requested footage from the day in question was available as requested as evidence, and if HH had brought any evidence to show due diligence with the other conditions on the premises licence?

HH – Stated there was an intention to upgrade the CCTV but that had not been done as yet. And that both this and a number of the other conditions had not yet been rectified as it is a small cash dependent business and this costs money.

SW – Stated that he finds it inconceivable that in the period between the first inspection on 22nd October 2018 and this meeting on the 14th December 2018, and having had legal support that greater steps had not been made to ensure compliance with a licence that has been non-compliant for such a period of time, and steps such as training had still not been implemented.

SW stated that because of the failure of HH to convince of his suitability and knowledge to ensure that the licensing objectives are promoted and not undermined by this premises licence; the original intention to offer some new conditions to the licence as a means to rectify the situation does not appear feasible. The concern arises that if the current conditions cannot be complied with, and HH does not understand how to comply with them, then there is a likelihood and evidenced serious concern that no conditions will ever be confidently complied with.

SW – Stated that HH had been asked on 24th October 2018 to voluntarily cease the sale of alcohol whilst his conditions were in breach as the sale throughout this period amounted to unlicensable activity ie otherwise than in accordance with the premises licence. HH was asked to confirm whether he had taken that advice?

HH – Confirmed that alcohol had remained on sale.

SW – Concluded the meeting and re-iterated a reluctance to provide the conditions which at the outset were hoped may rectify his concerns due to the serious concern relating to this premises and failure to respond to the situation. SW stated this would be discussed further with colleagues as to a reasonable and suitable conclusion.



Licensed Premises Summary Report

HOT NEWS

17/18 Market Street, Newbury, Rg14 5DP

Events dated between 04 April 2017 and 08 January 2019

PLEASE NOTE: The information below is OFFICIAL - SENSITIVE and should not be shared outside of Thames Valley Police without the express consent of the Licensing Team. The records in this summary are derived from a variety of sources. In some cases, multiple records may relate to the same incident and should not necessarily be counted individually. The report relates only to events which have been entered on Amandus at the time of the report being run and may not be a comprehensive list. All data entry is at the discretion of the Licensing Team.

Operation: Test Purchase

Date/Time: Friday 05 May 2017

Pass

Trading Standards conducted a Test Purchase sale at the premises resulting in the refusal of the sale of alcohol.

Incident: Other (specify in notes)

Date/Time: Friday 04 May 2018 - 13:45

PC attended to get CCTV for a crime but manager stated could not download CCTV and did not know how to work machine at all.

Premises Response: Negative

Incident: Assault - Less Serious

Date/Time: Tuesday 26 June 2018 - 21:01

Aggressive/ intoxicated male trying to start a fight- tried to break window- male claiming he did not receive his change-

Premises Response: Unknown

Niche Ref(s): 43180194286

Inc Ref(s): URN 1520

Incident: Assault - Serious

Date/Time: Sunday 16 September 2018 - 19:22

Niche Ref(s): 43180283752

Inc Ref(s): URN 1184

An argument has taken place within the store resulting in punches being thrown and persons being kicked. The incident has spilled out into the street and the DPS has been punched to the face and had been allegedly knocked out.

Premises Response: Unknown

Engagement: Visit by Police

Date/Time: Wednesday 24 October 2018

Inspection in response to WBC report of street drinkers purchasing alcohol and condition breaches. Numerous breaches of conditions were discovered and sales to street drinkers of single cans observed. For further action.

Incident: Other (specify in notes)

Date/Time: Sunday 25 November 2018 - 23:10

Inc Ref(s): urn 1374

PUBLIC SAFETY - MALE SEEN LYING ON THE FLOOR O/S HOT NEWS - CONCERN FOR HIS WELFARE

Premises Response: Unknown

Engagement: Letter sent by Police (Tier

2)

Date/Time: Tuesday 27 November 2018

Letter sent to PLH requesting performance meeting on 6th Dec 18 at 1.00pm

Licensed Premises Summary Report

HOT NEWS

17/18 Market Street, Newbury, Rg14 5DP

Events dated between 04 April 2017 and 08 January 2019

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Engagement: Meeting requested by Police (Tier 2)

Date/Time: Friday 14 December 2018

Performance meeting to determine improved compliance, standards of implementation and to offer a set of conditions required to promote the licensing objectives. Due to total lack of confidence regarding the PLH/DPS and failure to implement or understand any of the required changes the decision has been made to review the premises licence and conditions were not offered as a resolution.

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