

Notice of Meeting



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Licensing Sub-Committee

Tuesday 2 April 2019 at 2.00pm

**in The Chamber Newbury Town Council
Market Place Newbury**

Members Interests

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Friday 29 March 2019

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Moira Fraser / Maria Legge.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

Hot News, 17-18 Market Street, Newbury, Berkshire, RG14 5DP



Agenda - Licensing Sub-Committee to be held on Tuesday, 2 April 2019 (continued)

To: Councillors Jeff Beck, Graham Bridgman and James Cole (Chairman)

Substitute: Councillor Billy Drummond

Agenda

Part I

Page No.

- 1 **Declarations of Interest**
To receive any declarations of interest from Members.
- 2 **Schedule of Licensing Applications**
- (1) **Application No. 19/00135/LQN - Hot News, 17-18 Market Street, Newbury** 5 - 46
 - Proposal:** Thames Valley Police has made an application under Section 51 of The Licensing Act 2003 for a review of the Premises Licence (17/00259/LQN) which is in force at the premises.
 - Location:** Hot News, 17-18 Market Street, Newbury, Berkshire, RG14 5DP
 - Applicant:** Thames Valley Police

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



West Berkshire
C O U N C I L

24 October 2018

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

Public Protection Partnership
Environmental Health and Licensing
West Berkshire District Council
Council Offices
Market Street Newbury
Berkshire RG14 5LD

Our Ref: 17/00259/LQN
Please ask for: Cheryl Lambert
Direct Line: 01635 519184
Fax: 01635 519172
e-mail: Cheryl.Lambert@westberks.gov.uk

Dear Sir

Licensing Act 2003 – Premises Licence
17 - 18 Market Street, Newbury, Berkshire, RG14 5DP,

Please find enclosed your Premises Licence. The licence must be retained by you whilst you are responsible for the premises and must be available on request, by any authorised officer.

The licence is accompanied by a Premises Licence Summary. This document must be displayed in a prominent position within the premises at all times.

It is the responsibility of the licence holder to check that the licence details are correct. If incorrect, you must contact the Licensing Team, in writing and state clearly why you believe the licence details are wrong. Where errors have been made and are the responsibility of the Council, they will be rectified as soon as possible. If errors have been made by the applicant in filling out the application, these will need to be addressed by making a variation to the licence issued.

The annual fee will be due on the date of issue of the licence each year. You will be sent an invoice prior to the anniversary of the issue date and failure to pay may result in suspension of the Premises Licence. Invoices are sent to the Premises Licence Holder at their registered address as quoted on the Licence.

You are reminded that the Designated Premises Supervisor's details must be correctly stated on the licence at all times and that all sales of alcohol must be authorised by a Personal Licence Holder. (Clubs and non alcohol licensed premises are exempted from this requirement).

Yours faithfully

Authorised Officer
Licensing Team

PUBLIC PROTECTION PARTNERSHIP
A SHARED SERVICE PROVIDED BY BRACKNELL FOREST COUNCIL, WEST BERKSHIRE DISTRICT COUNCIL
AND WOKINGHAM BOROUGH COUNCIL

West Berkshire District Council

Culture And Environmental Protection, Environmental Health & Licensing, Council Offices, Market Street,
Newbury, Berkshire RG14 5LD
Tel: (01635) 519184 Fax (01635) 519172

Licensing Act 2003 Premises Licence

Uniform Ref: 17/00259/LQN

Premises licence number 17/00259/LQN

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Hot News
17 - 18 Market Street, Newbury, Berkshire, RG14 5DP

Licensable activities authorised by the licence

Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment
Monday to Sunday: 23:00 to 00:00

Activity will take place Indoors/Outdoors : **Both**

Supply of Alcohol
Monday to Saturday: 07:00 to 00:00
Sunday: 12:00 to 00:00

Alcohol On/Off Premises: **Off Premises**

The opening hours of the premises

Monday to Saturday: 07:00 to 00:00
Sunday: 12:00 to 00:00

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

On /Off Sales : **OFF**

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

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

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

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

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

17/00325/PER Oxford City Council

Date: 24th October 2018

Signed:



Authorised Officer

**Licence granted 25/03/2017
Change of PLH & DPS name & address 23/10/2018**

Annex 1 - Mandatory conditions

Premises - Supply of Alcohol

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (in force 1 October 2014)

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - a) a holographic mark, or
 - b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for price which is less than the permitted price.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1 –
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - b) “permitted price” is the price found by applying the formula -

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

Where—

- (i) **P** is the permitted price,
- (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4)
- 1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - 2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule dated 24/02/2017

None

Conditions agreed with TVP 08/03/2017

Public Safety

Incident Book

1. An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail. If incidents involve members of staff, including any door supervisors their names shall be entered onto the log book. All incidents shall be signed off either by the DPS or the nominated individual when the DPS is not on site.
2. All visits by an enforcement authority, all refusals of service, entry shall be recorded and weekly review of the incident book shall be carried out and signed off by DPS. The incident book shall be retained for a period of six months and shall be made available on request to any authorised Officers of Thames Valley Police (TVP) or West Berkshire Council (WBC).

CCTV

1. A CCTV system shall be installed, in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. The system shall be maintained and operated correctly to the satisfaction of TVP, ensuring **ALL** licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points enabling frontal identification of every person entering and in any light condition.
2. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with time and date stamping and except for mechanical breakdown beyond the control of the proprietor shall be made available upon request to any authorised Officer of TVP or WBC. Any breakdown or system failure will be notified to the TVP immediately and remedied as soon as practicable. Any request from any authorised Officer of TVP or WBC for a recording to be made for evidential purposes must be carried out within forty eight hours.

Recordings shall be made available to an authorised officer of TVP or WBC together with facilities for viewing **with immediate access by a person qualified to operate the system.**

The recordings for up to the preceding two days shall be made available immediately on request.

3. A sign advising customers that CCTV is in use shall be positioned in a prominent position.

Staff Training

1. The Premise Licence Holder shall ensure that staff authorised to retail alcohol shall receive training every six months, in relation to the Four Licensing Objectives contained within the Licensing Act 2003 particularly in relation to the sale of alcohol. Written training records shall be kept, signed off by the members of staff and maintained. These records shall be made available to any authorised Officer of TVP or WBC.

Sale of Alcohol

1. All staff employed in the sale of alcohol shall be trained and a record of their training shall be maintained in respect of: (a) The legal obligation with the sale of alcohol; (b) Advice and procedure on handling refusals; (c) Understand the company's proof of age policy; (d) Understand the policy on the recording of refusal and incidents of note. This training shall formally take place once every six months. Records of this training shall be maintained.
2. Alcohol shall not be sold in any open containers. Multi pack of cans or bottles of alcohol shall not be split and sold individually.
3. All alcopop style drinks, beers, lagers or cider of 5.3% alcohol 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.
4. Clear signs shall be displayed at the front entrance of the premises, on shelves containing alcohol and at all till points stating "No Proof of Age No Sale".

Protection of Children from Harm

1. The premises shall at all times operate a challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to staff members to be under the age of 25 years without having first provided identification.

This policy shall be in written form and retained at the premise and shall be made available on request to any authorised Officer from Thames Valley Police or West Berkshire Council.

2. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "PASS" hologram and Military ID Cards are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

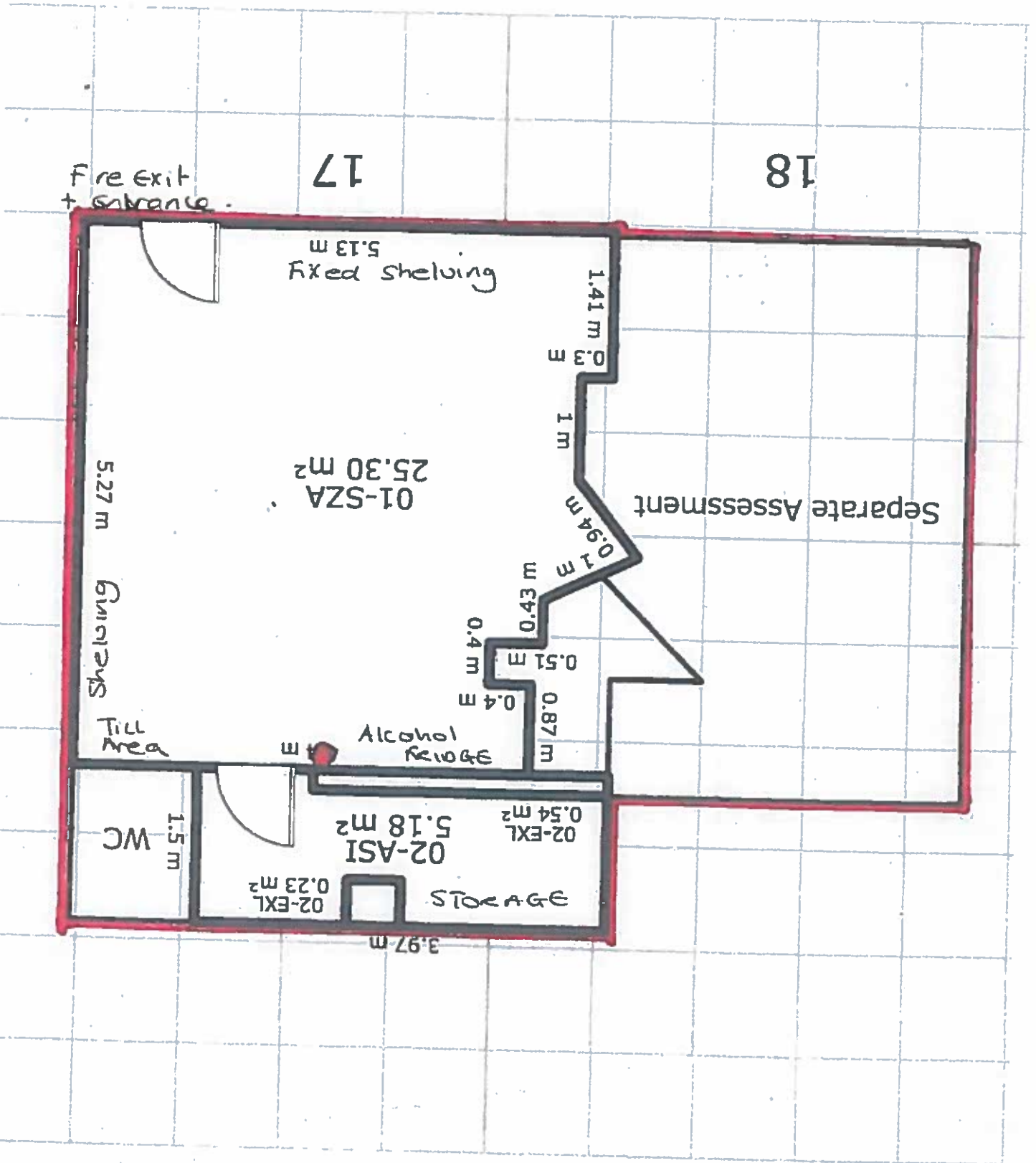
NOTE: military ID Cards shall not be seized.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans as submitted 24/02/2017

PLAN FOR HOT NEWS



● Fire extinguisher

West Berkshire District Council

Culture And Environmental Protection, Environmental Health & Licensing, Council Offices, Market Street, Newbury,
Berkshire RG14 5LD

Tel: (01635) 519184 Fax (01635) 519172

Licensing Act 2003 Premises Licence Summary

Uniform Ref: 17/00259/LQN

Premises licence number	17/00259/LQN
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Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Hot News
17 - 18 Market Street, Newbury, Berkshire, RG14 5DP

Licensable activities authorised by the licence
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Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

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The opening hours of the premises
--

Monday to Saturday: 07:00 to 00:00
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies
--

On/Off Sales : **OFF**

Name, (registered) address of holder of premises licence

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

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Herish Abdulrahman Hasan

Date: 24th October 2018

Signed:



Authorised Officer

**Licence granted 25/03/2017
Change of PLH & DPS name & address 23/10/2018**

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

Notice

Ref No: 19/00135/LQN
Name of Applicant: Thames Valley Police
Name of Premise: Hot News
Address of Premise: 17 - 18 Market Street
Newbury, Berkshire, RG14 5DP

Thames Valley Police has made an application under section 51 of The Licensing Act 2003 for a review of the Premises Licence which is in force at the premises.

The grounds on which a review is being sought:

The undermining of the licensing objectives of **The Prevention of Crime and Disorder, The Prevention of Public Nuisance and Public Safety** as it has been found that the premises licence conditions have been breached.

You are advised that the above application has been received by the Council. The full application may be viewed by appointment at;

Public Protection Partnership (Licensing)
West Berkshire District Council, Market Street, Newbury, RG14 5LD
licensing@westberks.gov.uk

Anyone likely to be affected by the application or responsible authority may make representations in writing to the Licensing Authority at the above address no later than **01/03/2019**

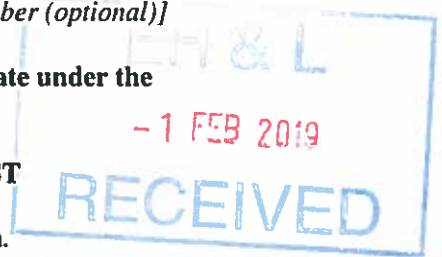
Representations will **not** be accepted after this date.

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is an unlimited fine.

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[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

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

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 ✓

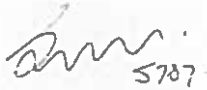
yes

- 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

.....

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.

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.

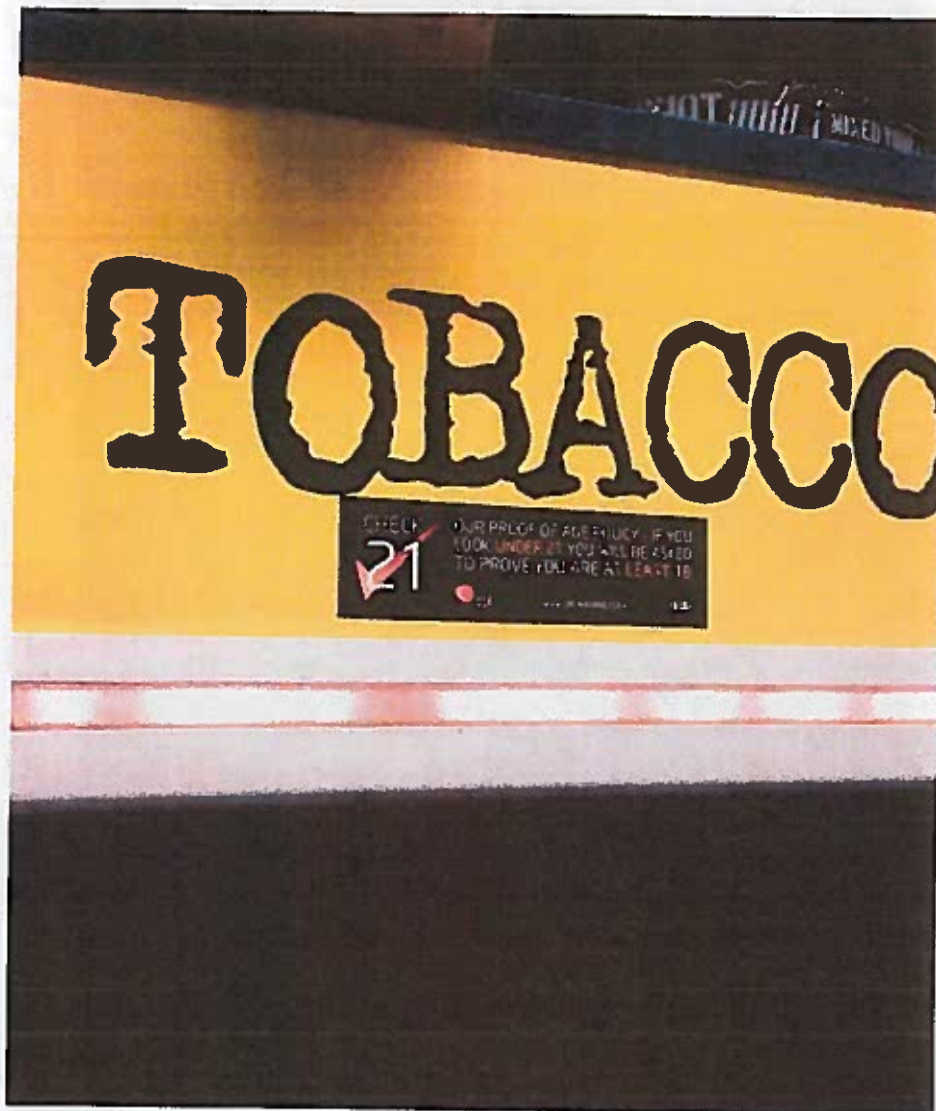
INSPECTING OFFICER: PC 5787 WHEELER

SIGNATURE OF LICENSEE/REPRESENTATIVE: [Signature]

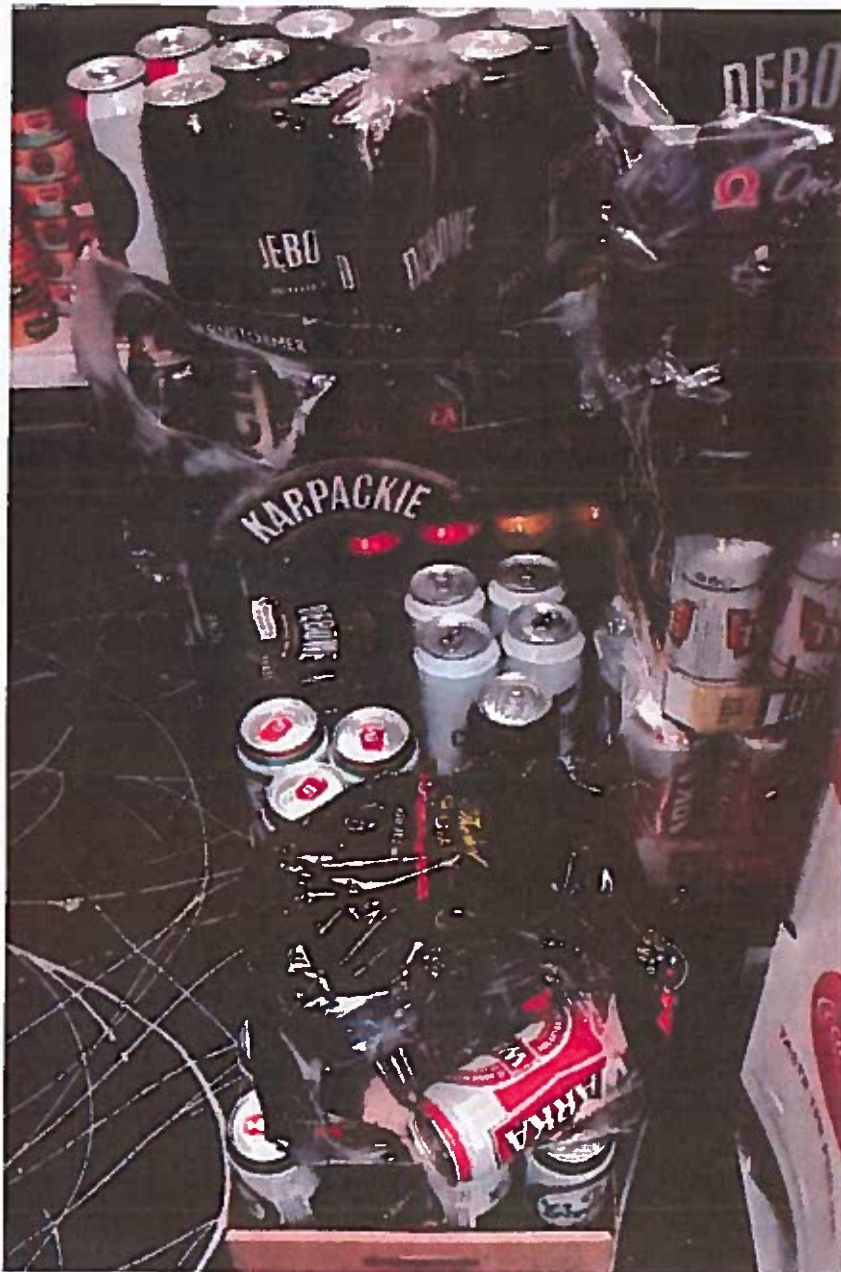
DATE OF INSPECTION: 24/10/2018

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



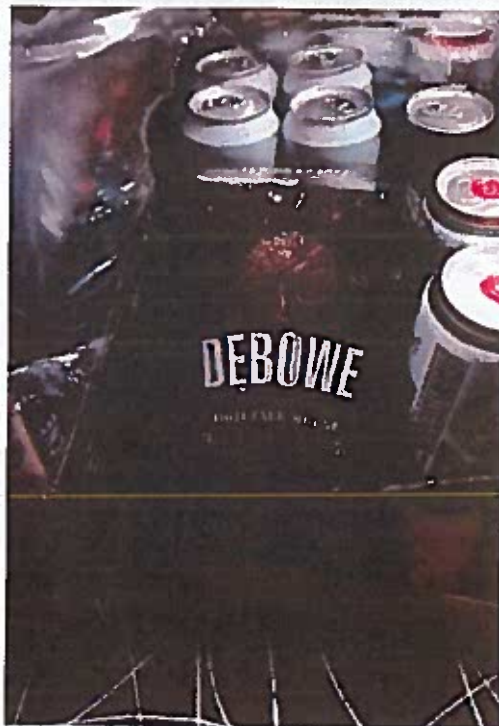
1. Above – Premises Licence page 6, conditions require Challenge 25 (Above Challenge 21)



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.



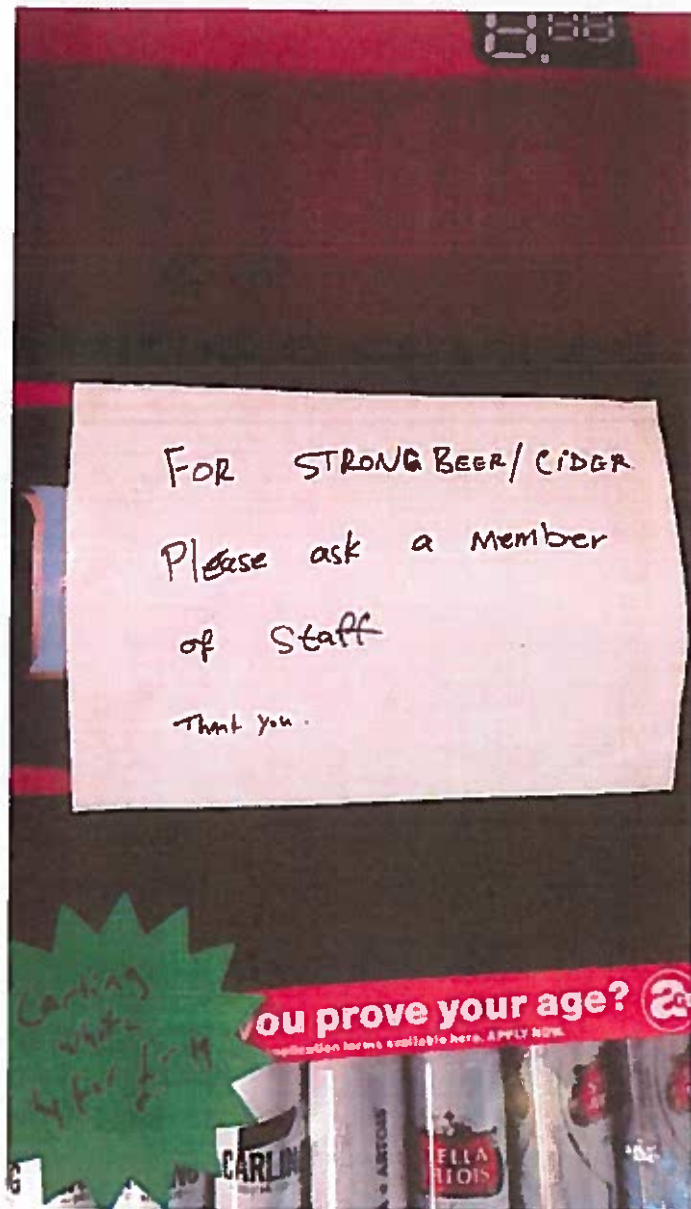
3. As (2) on previous page – high strength alcohol being sold individually and from an area with public access.



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.

Page 2 of 2

Moira Fraser

Subject: FW: Application for Review of Premises Licence 17/00259/LQN Hot News, 17-18 Market Street, Newbury, Berkshire, RG14 5DP

From: Denise Sayles

Sent: 08 February 2019 14:23

To: EHAdvice <ehadvice@westberks.gov.uk>; 'Home Office' <alcohol@homeoffice.gsi.gov.uk>; Planapps <Planapps@westberks.gov.uk>; Publichealthandwellbeing <Publichealthandwellbeing@westberks.gov.uk>; 'RBFRS' <westhubfiresafety@rbfrs.co.uk>; TSAAdvice <TSAAdvice@westberks.gov.uk>; Wblscb <Wblscb@westberks.gov.uk>; Licensing <Licensing@westberks.gov.uk>; Licensing@thamesvalley.pnn.police.uk; Wheeler Simon <Simon.Wheeler@thamesvalley.pnn.police.uk>

Subject: RE: Application for Review of Premises Licence 17/00259/LQN Hot News, 17-18 Market Street, Newbury, Berkshire, RG14 5DP

Good afternoon everyone

I would like to respond to the application for review of the premises licence for Hot News, Market Street and offer my support to Thames Valley Police in their request for the review of the licence on this premises.

There are a number of concerns that I share with regard to the operation of the licence on the premises and despite the visits made and a review meeting the issues do not appear to have been resolved.

From the evidence provided it would appear that the staff and licence holder are not aware of the challenge 25 policy and are not operating in a way to sufficiently safeguard young people from the harms of alcohol

The staff were not adequately trained

The premises were operating in a manner which undermines public safety and crime and disorder.

The licensee was found to be in breach of their licence conditions to not display high strength alcohol and individual cans in contravention of the licence conditions of the premises.

Please let me know if you need any further information

Denise

Denise Sayles

Senior Programme Officer

(Substance Misuse, Homelessness and Smoking)

Public Health and Wellbeing West Berkshire Council

West Street House Newbury RG14 1BZ

Telephone 01635 503435

Mobile 07879 242 123

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