

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 24 OCTOBER 2017

**Present:** Councillors Woodward (Chair), Dennis and Livingston.

### 12. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 5 September and 12 September 2017 were confirmed as correct records and signed by the Chair.

### 13. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - CHINA PALACE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of China Palace, 43-45 Oxford Road, Reading, RG1 7QG.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence, outlining three visits to the premises on 23 March 2011, 28 October 2015 and 13 July 2017 when the premises had been found employing illegal workers. A total of 11 illegal workers had been found over the three visits to the premises, 6 of whom were found employed at the premises under the current Premises Licence Holder and Designated Premises Supervisor (DPS). The report also stated that during the visit on 13 July 2017 the premises had been found to be in breach of the majority of the conditions on the Premises Licence which further undermined the licensing objectives.

The application sought for the Premises Licence to be revoked immediately due to the seriousness of the crimes discovered at the premises.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from Thames Valley Police, the Immigration Service and Reading Borough Council Environmental Health Team, which were attached to the report at Appendix II to IV. Additional information had been provided by Reading Borough Council Licensing Team, which was attached to the report at Appendix V.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix VI.

The report stated that the Premises Licence Holder and Designated Premises Supervisor was Mr Hui Chang Yin. The current Premises Licence, a copy of which was attached to the report at Appendix VII, permitted the following:

#### Playing of Recorded Music and Anything Similar to Live Music, Recorded Music & Performance of Dance

Monday to Sunday 1100 hours until 0200 hours

Entertainment of Karaoke or similar in the Karaoke rooms only.

#### Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0200 hours

#### Hours for the Sale by Retail of Alcohol

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Monday to Saturday	1000 hours until 0200 hours
Sunday	1200 hours until 0200 hours

### Hours the Premises are Open of the Public

Monday to Sunday	0800 hours until 0330 hours
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Christmas Eve and Sundays preceding a Bank Holiday until 0300 hours the following day.  
New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day.

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- public safety
- The prevention of public nuisance
- The protection of children from harm

The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.5, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.16 to 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraphs 1.5, 7.15.1, 7.15.3 and 10.5.1 of the Council's Statement of Licensing Policy.

Mr Huichang Yin, Premises Licence Holder and Designated Premises Supervisor (DPS) and his son Mr Nick Yin, were present and addressed the Sub-Committee and was represented by Mr Andrew Otchie, 12 Old Square Chambers, who also addressed the Sub-Committee. Mr Wei Hu, Manager of the Premises, was also present at the meeting.

Richard French, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. PC Simon Wheeler, Thames Valley

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Police, and Inspector Matt Wilkinson and Russell Angell, Immigration Service, and Katie Heath, Reading Borough Council Environmental Health (Food Safety) were all present at the meeting and addressed the Sub-Committee.

### Resolved -

That the application for the review of the Premises Licence in respect of China Palace be deferred to a future meeting of the Sub-Committee.

### 14. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - HIMALAYA MOMO HOUSE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of Himalaya Momo House, 28 Farnham Drive, Caversham, Reading, RG4 6NY.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence, outlining a visit to the premises on 13 July 2017 when the premises had been found employing illegal workers. Two illegal workers had been found during the visit to the premises and it was suspected that further illegal workers absconded from the premises during the visit. The report also stated that during the visit on 13 July 2017 the premises had been found to be operating without a Designated Premises Supervisor (DPS) and when questioned about this it had been stated that the named DPS had not been on site for over two years. It had also been stated that the named Premises Licence Holder had left the premises ten days before the officers visited. The report stated that officers had found a further seven breaches of licensing legislation.

The application sought for the Premises Licence to be revoked immediately due to the seriousness of the crimes discovered at the premises.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from Thames Valley Police and the Immigration Service, which were attached to the report at Appendix II and III.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix IV.

The report stated that the Premises Licence Holder and Designated Premises Supervisor was Mr Sirop Chapel. The current Premises Licence, a copy of which was attached to the report at Appendix V, permitted the following:

#### Hours for the Provision of Late Night Refreshment

Monday to Saturday	2300 hours until 0030 hours
Sunday	2300 hours until 0000 hours

#### Hours for the Sale by Retail of Alcohol

Monday to Saturday	1000 hours until 0000 hours
Sunday	1200 hours until 2330 hours

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Good Friday 1200 hours until 2330 hours. Christmas Day 1200 hours until 2330 hours. New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day.

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- public safety
- The prevention of public nuisance
- The protection of children from harm

The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.5, 4.2, 4.31, 4.32, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 10.26 to 10.28, 11.1, 11.2, 11.16 to 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraphs 1.5, 7.15.1, 7.15.3, 10.5.1, 10.7.1 and 10.7.2 of the Council's Statement of Licensing Policy.

The Premises Licence Holder was not present at the meeting.

Mr Chhantyal, who stated that he owned the premises, was present but he took no part in the meeting.

Richard French, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. PC Simon Wheeler, Thames Valley Police, and Inspector Matt Wilkinson and Russell Angell, Immigration Service, were all present at the meeting and addressed the Sub-Committee.

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### Resolved -

That having reviewed the Premises Licence in respect of Himalaya Momo House, and having had regard to the four licensing objectives, in particular the prevention of crime and disorder, the protection of children from harm and public safety, and the oral and written representations made, the Secretary of State's guidance, in particular paragraphs 11.27 and 11.28, and the Council's Statement of Licensing Policy the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the undermining of the prevention of crime and disorder licensing objective by employing illegal workers which the Sub-Committee took to be very serious;
- (b) the breaches of licence conditions, in particular the absence for two years of the Designated Premises Supervisor (DPS);
- (c) the failure of the current Premises Licence Holder to attend the hearing after being informed of the review of the Premises Licence and the serious nature of the offences and that he had been absent from the Premises for 10 days;
- (d) there being no authorisation to sell alcohol at the premises due to the absence of a Personal Licence Holder;
- (e) there being no procedures, such as age verification, to protect children from harm.

(The meeting started at 5.00pm and finished at 7.54pm)