

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 DECEMBER 2017

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

### 21. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 14 November 2017 were confirmed as a correct record and signed by the Chair.

### 22. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BEST FOODS

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 Best Foods, 129 Oxford Road, Reading, RG1 7UU.

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 21 January 2015 and a visit on the 7 September 2017 when the premises had been found employing one illegal worker on each occasion. The report also stated that during visits to the premises officers had found a number of breaches of the conditions on the Premises Licences.

The application sought for the Premises Licence to be revoked due to the seriousness of the crimes discovered at the premises and the undermining of the licensing objectives.

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, Reading Borough Council Environmental Health Team and the local Neighbourhood Action Group (NAG), which were attached to the report at Appendix II to 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 Yogarajah Rajmohan. The current Premises Licence, a copy of which was attached to the report at Appendix VII, permitted the following:

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

Monday to Sunday	0700 hours until 2300 hours
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#### Hours the Premises are Open of the Public

Monday to Sunday	0700 hours until 2300 hours
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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

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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 Yogarajah Rajmohan, Premises Licence Holder and Designated Premises Supervisor (DPS) was present and addressed the Sub-Committee and was represented by Mr Mark Altman, ALES Licensing, who also addressed the Sub-Committee.

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

### **Resolved -**

That having reviewed the Premises Licence in respect of Best Foods, 129 Oxford Road, Reading, and having had regard to the four licensing objectives, and the oral and written representations made, the Secretary of State's guidance in particular the paragraphs listed in the report (and also paragraph 2.22 because there was no one authorised at the premises to sell alcohol which was a breach of mandatory licence condition 2), and having regard to 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 employment of illegal workers at the premises;
- (b) the breaches of licence conditions;

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- (c) the failure to display a notice at the premises in accordance with Section 57 of the Licensing Act 2003;
- (d) the breach of food safety law, in particular S19 (2) of Food Safety and Hygiene (England) Regulations 2013 and Regulation (EC No. 852/2004) of the European Parliament and of the Council of 29 April 2004 on the Hygiene of Food Stuffs;
- (e) the Sub-Committee being advised that the premises had only become compliant with the conditions on the premises licence as of 12 December 2017;
- (f) the failure of the Premises Licence Holder to communicate with the responsible authorities. The Sub-Committee was informed that the staff had failed to pass information to the Premises Licence Holder but the Sub-Committee was of the view that it was the responsibility of the Premises Licence Holder;
- (g) the Sub-Committee's lack of confidence in the management to rectify matters or maintain the business in accordance with the licensing objectives;
- (h) there still being alcohol displayed for sale during the visit on 20 October 2017, contrary to S137 of the Licensing Act 2003.

### **23. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PREMIER/JELLY STORES**

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 Premier/Jelly Stores, 69 Whitley Street, Reading, RG2 0EG.

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 8 June 2017 when the premises had been found employing one illegal worker and was found to be breaching four licensing conditions and two breaches of licensing legislation were discovered. During a visit on 10 October 2013 the premises had been found employing one illegal worker and on 22 October 2014 the premises had failed a test purchase.

The application sought for the Premises Licence to be revoked 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.

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

### Hours for the Sale by Retail of Alcohol

Monday to Saturday	0800 hours until 2300 hours
Sunday	1000 hours until 2230 hours

Good Friday 0800 hours until 2230 hours. Christmas Day 1200 hours until 1500 hours and 1900 hours until 2230 hours.

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 Gurnam Singh Madan, Premises Licence Holder and Designated Premises Supervisor (DPS), was present and was represented by Mr Panchal, who addressed the Sub-Committee and requested that the matter be deferred.

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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 Russell Angell, Immigration Service, were all present at the meeting.

### **Resolved -**

That the application for the review of the Premises Licence in respect of Premier/Jelly Stores be deferred to a future meeting of the Sub-Committee.

(The meeting started at 5.30pm and finished at 9.00pm)