

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 2 AUGUST 2018

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

5. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PERFECT FRIED CHICKEN

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 Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence due to a combination of immigration offences, criminal activity and multiple breaches of licence conditions discovered during visits to the premises. The report detailed visits to and observations of the premises on 25 and 26 May 2018, 19 and 20 May 2018, 13 and 14 April 2018, 7 and 8 March 2018, 10 and 11 February 2018, 7 November 2017, 14 September 2017, 2 April 2017, 19 March 2017, 12 and 13 April 2014, 5 and 6 April 2014 and 10 and 11 July 2010. Immigration Enforcement had stated that a total of 9 immigration offenders had been encountered over the ten visits made to the premises since 2010.

The application sought for the Premises Licence to be revoked as the only appropriate and proportionate step to promote the licensing objectives and safeguard the public.

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 representation was also received by Reading Borough Council Planning Team, which was attached to the report at Appendix IV. Additional information had been provided by Reading Borough Council Licensing Team, which was attached to the report at Appendix V, and additional information had also been submitted by Immigration Enforcement.

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 Holders were Mr Aadil Asghar and Mr Nabeel Asghar. The current Premises Licence, a copy of which was attached to the report at Appendix VII, permitted the following:

Playing of Recorded Music

Monday to Saturday	0800 hours until 0100 hours
Sunday	0800 hours until 0000 hours

Hours for the Provision of Late Night Refreshment

Monday to Sunday	2300 hours until 0230 hours
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Hours the Premises are Open of the Public

Monday to Sunday	0800 hours until 0230 hours
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If planning permission is not granted then the licensable activities and opening times will revert to ceasing at 0100 hours Monday to Saturday and 2400 hours on Sunday.

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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

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, 1.7, 1.8, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 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, 10.5.1, 15.1.1 and 15.3.1 of the Council's Statement of Licensing Policy and paragraph 10.7.1 was read out during the hearing.

Mr Aadil Asghar, one of the Premises Licence Holders, was present at the meeting and was represented by Mr Bill Donne, Silver Fox Licensing Consultants, both of whom 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, were both present at the meeting and addressed the Sub-Committee.

At the start of the hearing Mr Donne raised concerns regarding the number of Councillors on the Sub-Committee and when asked if he would like to request an adjournment Mr Donne confirmed that he wanted to proceed with the hearing.

Resolved -

The Sub-Committee considered the oral and written representations made and found that:

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- (a) There had been a history of employing illegal workers at the premises;
- (b) The premises had persistently operated licensable activities beyond the hours permitted by the premises licence;
- (c) There had been numerous other breaches of the conditions of the licence including:
 - 1. failures to display the required notices and copies of the licence
 - 2. failure to keep training records
 - 3. failure to keep an accurate door supervisor register, which was likely to have been deliberately falsified
 - 4. failure to make CCTV footage available to officers, which was particularly serious as it indicated a deliberate failure to co-operate with authorities

The Sub-Committee was satisfied these matters were serious and in most cases were potentially criminal offences. These matters caused real concern for the promotion of the licensing objectives, particularly the prevention of crime and disorder.

The Sub-Committee considered the Council's Statement of Licensing Policy concerning the review of premises licences and late night refreshment premises, particularly paragraph 11.7.1 that required late night refreshment licence holders to demonstrate that crime and disorder would not result from their late opening. The Sub-Committee also considered the government guidance on determining licence reviews, particularly that relating to reviews arising in connection with crime. The Sub-Committee noted that the employment of illegal workers should be treated particularly serious to the extent that revocation of a licence should be considered.

The Sub-Committee listened to the licence holder's account but did not find it a satisfactory explanation of the numerous failures detailed in the report, including the lack of control of staff and the premises generally.

The Sub-Committee considered what was appropriate to decide this review. The Sub-Committee did not feel that a warning would resolve the problems, nor did the Sub-Committee have confidence that modifying conditions or removing the Designated Premises Supervisor would address the failings. A licence suspension would only postpone issues and not resolve them, as the history of the premises gave no confidence that improvement would happen or last. The Sub-Committee found that the only appropriate outcome which would promote the licensing objectives was to revoke the premises licence, therefore the Sub-Committee revoked the premises licence in respect of Perfect Fried Chicken, 51 Wokingham Road.

(The meeting started at 9.26am and finished at 11.49am)