

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 26 JULY 2018

Present: Councillors Maskell (Chair), Rowland and Skeats.

### 4. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - LOCAL FOOD AND WINE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Jasnoor Singh Vadwah for the grant of a premises licence in respect of Local Food and Wine, 441 Basingstoke Road, Reading, RG2 0JF.

The report stated that there was currently a premises licence in force at the premises and was held by Mr Gurmit Singh Gurwara. The premises licence for Local Food and Wine had been revoked by the Licensing Applications Sub-Committee 2 on 29 March 2018 (Minute 30 refers). The Premises Licence Holder had appealed the decision to the Magistrates Court so the licence was still in force. The application was for a new licence for Mr Jasnoor Singh Vadwah.

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

#### Hours for the Sale of Alcohol (off the premises)

Monday to Sunday                      0700 hours until 2300 hours

#### Opening Hours

Monday to Sunday                      0700 hours until 2300 hours

A copy of the application was attached to the report at Appendix 1.

The report stated that representations had been received from Reading Borough Council Licensing Team and Thames Valley Police, which were attached to the report at Appendix 2 and 3.

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 also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 1.5, 8.41 to 8.49, 9.11 to 9.13, and 14.63 to 14.65 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2017. The report also set out paragraphs 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy. The report also referenced *East Lindsey DC v Abu Hanif (2016)* and the *British Beer and Pub Association v Canterbury City Council (2005)* case law.

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The Sub-Committee decided to hear the application in the absence of the applicant as he failed to attend on time and had failed to give the authority notice that another person was to appear to represent him.

Peter Narancic, Senior Licensing Officer, Reading Borough Council, and Declan Smyth, Licensing Officer, Thames Valley Police, were both present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

### Resolved -

That, in order to promote the four licensing objectives and in the public interest, the Sub-Committee decided to adjourn the hearing because there was insufficient information to determine the application and due to the late submission of additional evidence by the applicant.

(The meeting started at 9.30am and finished at 10.27am)

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

### 6. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 10 July 2018 and Licensing Applications Sub-Committee 2 held on 19 July 2018 were confirmed as correct records and signed by the Chair.

### 7. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - MOMO HOUSE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Thir Bahadur Gurung for the grant of a premises licence in respect of Momo House, 28 Farnham Drive, Caversham, Reading, RG4 6NY.

The report stated that there was currently no premises licence in force at the premises. The previous premises licence had been revoked by Licensing Applications Sub-Committee 1 on 24 October 2017 (Minute 14 refers).

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

#### Hours for the Sale of Alcohol (on the premises)

Monday to Sunday 1200 hours until 0000 hours

#### Hours for Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday 2300 hours until 0000 hours

#### Opening Hours

Monday to Sunday 1200 hours until 0000 hours

A copy of the application was attached to the report at Appendix 1.

The report stated that representations had been received from Reading Borough Council Licensing Team, Reading Borough Council Environmental Protection and Nuisance Team, and Thames Valley Police, which were attached to the report at Appendix 2, 3 and 4.

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 also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

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The report set out paragraphs 8.41 to 8.49, 9.11 to 9.13, 10.4, 10.5 and 1.5 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2017. The report also set out paragraphs 7.1, 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy.

Mr Thir Bahadur Gurung, the applicant, was present at the meeting and addressed the Sub-Committee on the application.

Richard French, Senior Licensing Officer, Reading Borough Council, and Declan Smyth, Licensing Officer, Thames Valley Police, were both present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

### Resolved -

That, in order to promote the four licensing objectives, and having regard to the oral and written representations made, the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018), the Council's Statement of Licensing Policy, and the planning conditions relating to the premise, the application for the grant to a Premises Licence in respect of Momo House, 28 Farnham Drive, be refused. The Sub-Committee's reasons were:

- (a) the Sub-Committee was not satisfied that the application promoted the licensing objectives;
- (b) the Sub-Committee had concerns that the ownership of the business was unclear, as shown during the visit by a licensing officer to the premises on 21 July 2018, and that Council records indicated that the previous Premises Licence holder was still paying the business rates, therefore there was no distinct separation from the applicant and the previous Premises Licence holder;
- (c) the applicant had limited qualifications, experience, training and understanding of running a licensed premise.

### 8. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - JEEVIKA STORE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Pajmeet Singh Kalra for the grant of a premises licence in respect of Jeevika Store, 69 Whitley Street, Reading, RG2 0EG.

The report stated that there was currently a premises licence in force at the premises and was held by Mr Gurnam Singh Madan. The premises licence for Premier/Jelly Stores had been revoked by the Licensing Applications Sub-Committee 2 on 4 January 2018 (Minute 26 refers). The Premises Licence Holder had appealed the decision to the Magistrates Court so the licence was still in force. The application was for a new licence for Mr Pajmeet Singh Kalra.

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

#### Hours for the Sale of Alcohol (off the premises)

Monday to Sunday

0700 hours until 2300 hours

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### Opening Hours

Monday to Sunday 0700 hours until 2300 hours

A copy of the application was attached to the report at Appendix 1.

The report stated that representations had been received from Reading Borough Council Licensing Team, and Thames Valley Police, which were attached to the report at Appendix 2 and 3.

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 also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 8.41 to 8.49, 9.11 to 9.13, 10.4, and 1.5 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report also set out paragraphs 7.1, 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy.

Mr Pajmeet Singh Kalra, the applicant, was present at the meeting and was represented by Mr Surendra Panchal, Personal Licensing Courses Ltd, both of whom addressed the Sub-Committee on the application.

Peter Narancic, Senior Licensing Officer, Reading Borough Council, and Declan Smyth, Licensing Officer, Thames Valley Police, were both present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

### **Resolved -**

That, in order to promote the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018), the Council's Statement of Licensing Policy, the application for the grant to a Premises Licence in respect of Jeevika Store, 69 Whitley Street, be granted to permit:

#### Hours for the Sale of Alcohol (off the premises)

Monday to Sunday 0900 hours until 2300 hours

#### Opening Hours

Monday to Sunday 0700 hours until 2300 hours

and that the following conditions shall apply:

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- (1) The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are undertaking licensable activities and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by CCTV. Data recordings shall be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request subject to the provisions of the Data Protection Act. Recorded images shall be of such a quality as to be able to identify the recorded person;
- (2) Signage advising customers that CCTV is in use shall be positioned in prominent positions;
- (3) The premises shall at all times operate a Challenge 25 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 or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme as set down within the mandatory conditions) and Military ID Cards are to be accepted as identification;
- (4) Posters advertising the Challenge 25 scheme shall be displayed in prominent positions on the premises;
- (5) (a) All staff shall be trained in the requirements of the Licensing Act 2003 in relation to age restricted sales of alcohol before being authorised to sell alcohol;  
  
(b) Staff authorised to sell alcohol shall be accredited to at least the BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum, within four weeks for existing and subsequent new employees;  
  
(c) Records of training, refresher training and proof of the date of the commencement of employment (e.g. signed contract) shall be retained and must be made available to officers of Reading Borough Council or Police Officers on demand;
- (6) All staff employed in the sale of alcohol shall 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 members refusing the sale;  
  
Details of the alcohol the person attempted to purchase;  
  
This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A four weekly review of the refusals book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative;

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- (7) All staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer;
- (8) The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003:
- i. the prevention of crime and disorder
  - ii. public safety
  - iii. public nuisance
  - iv. the protection of children from harm;
- (9) An incident register shall be used, maintained and kept on the premises to record any incident of crime and disorder or instances when the police have had to attend the premises. The register shall be made available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police upon request;
- (10) Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly;
- (11) The Premises Licence holder shall not sell super strength beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater. There will be no sale at any time of single cans or bottles of beer, lager or cider. These restrictions shall not apply in respect of the specialist branded premium priced products - for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider with an alcohol content of 6.5% ABV or greater;
- (12) Spirits (with the exception of spirit mixers and pre-mixed spirit drinks) shall be located behind the counter;
- (13) Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:
- Proof of identity (such as a copy of their passport)
  - Nationality
  - Current immigration status

Employment checks will be subject of making copies of any relevant documents produced by the employee, which will be retained on the premises and kept for a minimum period of one year. Employment records

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as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council or Thames Valley Police upon request;

- (14) The previous Premises Licence holder, Mr Gurnam Singh Madan, shall be excluded from the premises and have no direct or indirect involvement with the business;
- (15) The new owner, Mr Pajmeet Singh Kalra, will provide to Reading Borough Council a copy of the lease agreement of the premises between him and his landlord before he commences trade in the sale and supply of alcohol by retail;
- (16) A copy of the VAT registration along with a proof of a Pay As You Earn scheme established in the name of the business operated by Mr Pajmeet Singh Kalra is to be provided to Reading Borough Council before commencement of trade or the sale or supply of alcohol by retail;
- (17) A personal licence holder to be in attendance at all times during opening hours.

(The meeting started at 5.30pm and finished at 7.54pm)