

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 28 NOVEMBER 2017

Present: Councillors Woodward (Chair), Grashoff and Livingston.

16. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 24 October 2017 were confirmed as a correct record and signed by the Chair.

17. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - DOMINO'S, CHRISTCHURCH ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by DPSK Limited for the variation of the Premises Licence in respect of Domino's, 64 Christchurch Road, Reading.

The premises Licence indicated that the following licensable activities were permitted:

Late Night Refreshment

Monday/Tuesday/Thursday/Sunday	2300 hours until 0100 hours
Wednesday/Friday/Saturday	2300 hours until 0200 hours

Opening Hours

Monday/Tuesday/Thursday/Sunday	1000 hours until 0100 hours
Wednesday/Friday/Saturday	1000 hours until 0200 hours

The application sought to vary the Premises Licence to permit the sale of Late Night Refreshment from 2300 hours until 0500 hours Monday to Sunday and to permit Opening Hours of 0000 hours until 2400 hours (24 hours) Monday to Sunday.

A copy of the application form was attached to the report as Appendix RF-1, and the current premises Licence was attached to the report as Appendix RF-5.

Representations against the application had been received from Reading Borough Council's Licensing Team, which was attached to the report at Appendix RF-2, and the Environmental Protection and Noise Team, which was attached to the report at Appendix RF-3. A further 45 representations had been received from local residents, which were attached to the report at Appendix RF-4.

The report stated that in considering representations received, 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 that the Council's licensing policy placed the onus on applicants who wished to open past 11pm to demonstrate how they would mitigate the issues of crime and disorder and potential public nuisance. The report also set out paragraphs 1.5, 2.14, 2.16, 7.1, 8.38-46, 9.13, 11.4.1 and 14.56-58 of the amended guidance issued under Section 182 of the Licensing Act 2003 (April 2017).

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Jan Davies, Mike Walker, Brian Morley, Jessica Di Luccio, Ian Kemp, Nicholas Woodthorpe, Robert Cox, Jenny Halstead and Frank Tallett who had all submitted representations, were present at the meeting and addressed the Sub-Committee on the application.

Councillor Tony Jones, Redlands Ward, was present at the meeting and addressed the Sub-Committee on the application, on behalf of a resident.

Ahsan Ikhlq and Dinesh Wagh on behalf of the applicant were present at the meeting and addressed the Sub-Committee. They were represented by Walaiti Rathore, Licensing Law Consultancy, who called Paul Douglas as a witness and both addressed the Sub-Committee.

Resolved -

- (1) That, in order to promote the licensing objective for the prevention of public nuisance, and having regard to the oral and written representations made, the paragraphs of the Secretary of State's Guidance and the Council's Statement of Licensing Policy as detailed in the report, the Premises Licence in respect of Domino's Pizza, 64 Christchurch Road, Reading be varied to permit Late Night Refreshment from 2300 hours until 0200 hours Monday to Sunday, due to
 - a) The residential nature of the area surrounding the premises
 - b) The Sub-Committee was satisfied that some incidences of nuisance had occurred since the premises opened in August 2017
 - c) The Sub-Committee regarded the testimonies presented by the residents as being more credible than that of Mr Douglas, who made just one visit to the area;
- (2) That the following conditions be attached to the licence:
 - (a) The Premises Licence Holder shall ensure the premises' digitally recorded CCTV system shall continually record whilst the premises are open to the public. The CCTV system shall provide full coverage of the licensed area. All recordings in conjunction with CCTV shall be of evidential quality as to be able to identify the recorded person, indicate the correct time and date and recordings shall be kept to a minimum of 31 days. A member of staff trained to use the system shall be on duty at all times. Data recordings shall be made immediately available subject to data protection requirements to an authorised officer of Reading Borough Council or a Thames valley Police officer, together with facilities for viewing upon request;
 - (b) Clearly legible and suitable notices shall be displayed to advise customers that CCTV is in operation at the premises;
 - (c) 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;

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- (d) The placing of refuse into receptacles outside the premises shall only take place between the hours of 0800 hours and 1900 hours;
- (e) An incident book/register shall be maintained to record all incidents of crime and disorder occurring at the premises. The register shall record a description of the incident, a description of any persons involved in the incident, the person recording the incident and details of whether the police were called. This book/register shall be available to an authorised officer of Reading Borough Council or Thames valley Police officer on request;
- (f) The Premises and area immediately outside the premises shall be kept clear of litter whilst the premises is open for licensable activities;
- (g) All packaging and utensils for use by customers shall be made of biodegradable or recyclable materials;
- (h) Staff shall actively discourage and disperse all persons who congregate outside the premises so as to minimise disturbance to local residents;
- (i) The Premise Licence Holder or duly nominated representative shall keep a written log of complaints reported to them by any local residents which undermine the four licensing objectives. The complainant's name, time of complaint, member of staff dealing with the complaint and the remedial action taken should be recorded. This written log shall be maintained and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request;
- (j) During operating hours, the Premise Licence Holder or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request;
- (k) Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

(The meeting started at 5.00pm and finished at 8.35pm)

Present: Councillors Woodward (Chair), Grashoff and Livingston.

18. EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, members of the press and public be excluded during consideration of the following item of business on the grounds that the public interest in doing so outweighed the public interest in the hearing taking place in public.

19. APPLICATION FOR THE VARIATION OF DESIGNATED PREMISES SUPERVISOR

The Head of Planning, Development and Regulatory Services submitted a report on an application for the variation of a Designated Premises Supervisor (DPS).

The report set out a summary of the application and relevant documents were appended to the report. The application form and current premises licence was attached to the report at Appendix RF-1.

The report stated that the Licensing Act 2003 required all sales of alcohol at a licensed premise to be made or authorised by a person with a Personal Licence. All premises licences that permitted the sale of alcohol must specify a personal licence holder as the Designated Premises Supervisor. This person would then be permitted to sell alcohol themselves and authorise other to do so in their absence. Only the Premises Licence Holder may make an application to vary the designated premises supervisor.

The report stated that in determining the application, if the chief officer of police was satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he had received the notice under subsection (4), give the authority a notice stating the reasons why he was so satisfied. Having regard to the objection notice, the Licensing Authority must hold a hearing to consider the objection notice unless the applicant, the Chief of Police and the Authority agreed that this was unnecessary; and having regard to the notice the Authority must reject the application if it considered it necessary for the promotion of the crime prevention objective to do so.

On 1 November 2017 the Licensing Section had received a notice of objection from Thames Valley Police in respect of the application, which was attached to the report at Appendix RF-2. Thames Valley Police submitted further information on 13 November 2017 regarding their objection.

The applicant JSS was present at the meeting and addressed the Sub-Committee to seek an adjournment.

PC Simon Wheeler, Thames Valley Police, was present at the meeting.

Resolved -

That consideration of the application for the variation of DPS be adjourned to allow the applicant to be legally represented.

(Exempt information as defined in paragraph 1, 2, 3 and 5).

20. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PREMIER INN

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 Inn, Letcombe Street, Reading, RG1 2HN.

The report stated that Thames Valley Police had submitted the review of the Premises Licence, outlining an alcohol and Child Sexual Exploitation (CSE) test purchase on 24 September 2016 when the premises supplied alcohol to a 15 year old child and a staff member stated that a room could be booked online for the 15 year old child and the undercover officer accompanying her, a licensing inspection on 13 January 2017 when the premises was found to be breaching a number of licence conditions and a further test purchase on 12 October 2017 when a hotel room was sold to a child aged 13 and the undercover police officer who was accompanying her and the 13 year old child was also sold alcohol by the same staff member who had sold the hotel room. This was a failure of an alcohol test purchase and a failure of a CSE test purchase. The sale of alcohol to a person under the age of 18, in this instance, was an offence under the Licensing Act.

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

The report stated that representations had been received from Reading Borough Council Licensing Team, which was attached to the report at Appendix RF-2, and John Gaunt Solicitors on behalf of the Premises Licence Holder, which was attached to the report at Appendix RF-3.

Further information from Thames Valley Police, Reading Borough Council Licensing Team and the Premises Licence Holder had been circulated prior to the meeting.

The report stated that the Premises Licence Holder was Premier Inns Hotel Ltd and Designated Premises Supervisor was Mr Ward Van Gorkum. The current Premises Licence, a copy of which was attached to the report at Appendix RF-4, permitted the following:

Hours for the Performance of Live Music and Hours for the Performance of Dance

Thursday to Saturday	1000 hours until 2400 hours
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Hours for the Playing of Recorded Music

Monday to Wednesday	1000 hours until 2400 hours
Thursday to Saturday	1000 hours until 0200 hours
Sunday	1000 hours until 2330 hours

Hours for the Provision of Late Night Refreshment

Sunday to Wednesday	2300 hours until 2400 hours
Thursday to Saturday	2300 hours until 0200 hours

Hours for the Sale by Retail of Alcohol

Monday to Wednesday	1000 hours until 2400 hours
Thursday to Saturday	1000 hours until 0200 hours
Sunday	1000 hours until 2330 hours

Extend the hours for all licensable activities on New Year's Eve until the start time of the following day. Extend the hours for all licensable activities to hotel residents and their bona fida guests 24 hours a day.

Hours the Premises are Open of the Public

Monday to Wednesday	2400 hours until 2400 hours
Thursday to Saturday	1000 hours until 0230 hours
Sunday	2400 hours until 2400 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, 2.22, 2.23, 2.27, 2.29, 2.32, 9.12, 9.13, 11.2, 11.10, 11.17, 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 10.5.1, 12.1.1, 12.1.2 and 12.1.7 of the Council's Statement of Licensing Policy.

Mr Chris Grunert, solicitor of John Gaunt & Partners, was representing the Premises Licence Holder and addressed the Sub-Committee. Mr Ward Van Gorkum, Designated Premises Supervisor (DPS), Mr Shaun Ross, Head of Safety and Security Whitbread Group and Mr James Rider, Operations Director, were also present and addressed the Sub-Committee.

PC Simon Wheeler and PC Steve Marr, Thames Valley Police, were present at the meeting and addressed the Sub-Committee on the application. Peter Narancic, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee.

Resolved -

- (1) That having reviewed the Premises Licence in respect of Premier Inn, and having had regard to the four licensing objectives, in particular the protection of children from harm and public safety, the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it would be appropriate and proportionate for the Premises Licence to remain in force but a formal warning was issued which stated that the premise licence holder was to urgently review its procedures and take note of conditions and do the utmost to ensure that this did not happen again and attached conditions to the Premises Licence due to the matters raised in the review application and supporting documents and at the Sub-Committee meeting;
- (2) That the following conditions be attached to the Premises Licence because the Sub-Committee felt that the licensing objectives of the protection of children from harm and public safety would be promoted by their imposition:
 - (a) The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff complete training in Child Sexual Exploitation that is of a standard agreed with Thames Valley Police and Reading Borough Council training package within 28 days of employment and a signed record of their training shall be maintained;
 - (b) Refresher training in relation to CSE shall formally take place once every three months and signed records of this training and signed records of this training shall be maintained. These records shall be kept for a minimum of two years of the date of the training and shall be made available to any authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council;
 - (c) Staff employed to sell alcohol shall undergo training upon induction. This training shall include, but not be limited to:
 - i. The premises age verification policy
 - ii. Dealing with refusal of sales
 - iii. Proxy purchasing
 - iv. Recognising valid identity documents not in the English Language
 - v. Identifying attempts by intoxicated persons to purchase alcohol
 - vi. Identifying signs of intoxication

vii. Conflict Management

viii. How to identify and safeguard vulnerable persons who attend and leave the premises

Refresher training shall be provided every three months and signed records made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request. These records are to be kept for a minimum of two years of the date of training;

- (d) 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. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council 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;
- (e) The premises shall at all times operate a Challenge 25 policy to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identify card, military ID or proof of age showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premise;
- (f) All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). This log shall contain:
 - i. Details of the time and date the refusal was made
 - ii. The identity of the staff member refusing the sale
 - iii. Details of the alcohol the person attempted to purchase

This book/register shall be available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request;

- (g) An incident log shall be maintained to record all incidents of crime and disorder as well as those relating to the protection of children from harm occurring at the premises. This log shall be available for

inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The log shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor;

- (h) All transactions for hotel bookings shall require photographic ID from any adult accompanying a child. Staff shall take all reasonable and proportionate steps to establish the name, date of birth and relationship between the adult and child. This may include but shall not be limited to asking for identification from each and establishing via questioning the nature of their relationship. Only a valid British driver's licence showing a photograph of the person, a valid passport, proof of age card showing the "PASS" hologram or military identity card are to be accepted as identification. If there is any doubt in relation to the validity of a booking or the nature of the relationship, details of the incident shall be recorded in the premises incident log and the Police notified immediately.

(The meeting started at 9.40am and finished at 1.56pm)

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

Hours the Premises are Open of the Public

Monday to Sunday 0700 hours until 2300 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

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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)

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

24. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - SUPERSAVE

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 Supersave, 234 Northumberland Avenue, Reading, RG2 7QA.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence, outlining that on 17 May 2017 the premises had been found employing one illegal worker. The report also stated that during the visit on 17 May 2017 the premises had been found to be in breach of the conditions attached to the premises licence and the findings of a subsequent inspection on 11 October 2017 were also extremely poor.

The report stated that in 2014 the Premises Licence Holder had been prosecuted by Reading Borough Council's Trading Standards team for selling and/or storing on the premises counterfeit alcohol and in 2008 the Premises Licence had been reviewed and suspended for six weeks for selling alcohol on two occasions to a 15 year old child.

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 the following responsible authorities Thames Valley Police, the Immigration Service and Reading Borough Council Trading Standards, which were attached to the report at Appendix II to IV.

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

The report stated that the Premises Licence Holder was Supersave (UK) Limited and the Designated Premises Supervisor was Mr Alpeshkumar Patel. The current Premises Licence, a copy of which was attached to the report at Appendix VI, permitted the following:

Hours for the Sale by Retail of Alcohol

Monday to Sunday 0530 hours until 2300 hours

Hours the Premises are Open of the Public

Monday to Sunday 0530 hours until 2300 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 Alpeshkumar Patel, Director and Designated Premises Supervisor (DPS) was present at the meeting and was represented by Mr William Donne, Silver Fox Licensing Consultants, who 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, Lee-Ann Evanson, Immigration Service, and Ian Savill, Reading Borough Council Trading Standards were all present at the meeting and addressed the Sub-Committee.

Resolved -

That having reviewed the Premises Licence in respect of Supersave, and having had regard to the four licensing objectives, in particular the prevention of crime and disorder, and the oral and written representations made, the Secretary of State's guidance, as outlined in the report, and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence for the following reasons:

- (a) the Sub-Committee considered the request for a suspension but this was the second review of the Premises Licence and the Premises Licence had been suspended for six weeks in 2008 and since that time no improvements had been made to promote the licensing objectives;

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- (b) the Sub-Committee had no confidence that placing even more robust conditions on the Premises Licence would be effective;
- (c) the Sub-Committee noted that the penalty for employing an illegal worker had been paid and that Mr Patel accepted he had been wrong for employing the worker but this did not give the Sub-Committee confidence that it would not happen again;
- (d) the Sub-Committee considered the offer to replace Mr Patel as the Designated Premises Supervisor with his wife but this did not offer any assurance that matters would improve at the Premises.

(The meeting started at 9.30am and finished at 11.28am)