

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 4 JANUARY 2018

Present: Councillors Woodward (Chair) and Livingston.

### 25. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 28 November and 12 December 2017 and Licensing Applications Sub-Committee 2 held on 7 December and 14 December 2017 were confirmed as correct records and signed by the Chair.

### 26. 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.

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.

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

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 4 JANUARY 2018

- 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 Surendra Panchal, Personal Licence Courses Ltd, 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. Russell Angell, Immigration Service, was also present at the meeting addressed the Sub-Committee.

### Resolved -

That having reviewed the Premises Licence in respect of Premier/Jelly Stores, 69 Whitley Street, Reading, and having had regard to the licensing objective of the prevention of crime and disorder, and the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy as detailed in the report, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the Sub-Committee did not find the explanation by the Premises Licence Holder regarding the breaches of conditions and the employment of illegal workers to be credible;
- (b) the employment of an illegal worker as discovered at the visit to the premises on 10 October 2013 and the employment of an illegal worker as discovered during a visit to the premises on 8 June 2017;

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 4 JANUARY 2018

- (c) the Premises Licence Holder being present at the premises during the discovery of an illegal worker on 8 June 2017;
- (d) the job centre document submitted by the Premises Licence Holder as evidence of checks being made regarding the right of the illegal employee found on the premises on 8 June 2017 to work specifically advised that it was not proof of right to work;
- (e) the Indian Passport and Driving Licence submitted by the Premises Licence Holder as evidence of checks being made regarding the right of the illegal employee found on the premises on 8 June 2017 to work did no such thing;
- (f) the breaches of licence conditions;
- (g) there being no Section 57 Licensing Act 2003 notice on the premises during the inspection in January 2013;
- (h) the CCTV system at the premises had the incorrect date and time during the inspection in January 2013;
- (i) there being no evidence that anyone had been authorised by the Designated Premises Supervisor to sell alcohol at the inspection in January 2013.

(The meeting started at 9.30am and finished at 11.38am)

Present: Councillors Woodward (Chair) Grashoff and Livingston.

## 27. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - ARIANA NEWS

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 Ariana News, 733 Oxford Road, Reading, RG30 1JA.

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 4 October 2017 when the premises had been found employing one illegal worker and selling alcohol to at least one drunk person and to other persons suspected of being street drinkers and was found to be breaching six licensing conditions and four breaches of licensing legislation were discovered. On 22 May 2009 there was a review of the Premises Licence and the licence was suspended for failing age related test purchases and the current licence conditions were attached at that time.

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, and Reading Borough Council Trading Standards, which were attached to the report at Appendix II, III and 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 Ariana News UK Ltd and the Designated Premises Supervisor was Mr Mohammad Seyed Ashrafi. Mr Ashrafi's personal licence was attached to the report at Appendix VI. 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 (off the premises)

Monday to Sunday 0600 hours until 2300 hours

### Hours open to the public

Monday to Sunday 0600 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

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 11 JANUARY 2018

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 Mohammad Seyed Ashrafi, Director of Ariana News UK Ltd and Designated Premises Supervisor (DPS), was present 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 and Matthew Wilkinson, 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 Ariana News, 733 Oxford Road, Reading, and having had regard to the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance, and the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy as detailed in the report, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the long history of failing to uphold the licensing objectives, dating back to the previous review of the Premises Licence on 22 May 2009;
- (b) the employment of an illegal worker as discovered at the visit to the premises on 4 October 2017;
- (c) the breaches of licence conditions, as stated in the report;

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 11 JANUARY 2018

- (d) the sale of alcohol to a person who appeared to be drunk;
- (e) the other issues identified at the hearing.

(The meeting started at 9.40am and finished at 12.44pm)