

# LICENSING APPLICATIONS SUB-COMMITTEE 1 MEETING MINUTES - 4 DECEMBER 2018

**Present:** Councillor Skeats (Chair);  
Councillors Grashoff

## 17. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 30 October 2018 and Licensing Applications Sub-Committee 2 held on 1 November 2018 were confirmed as correct records and signed by the Chair.

## 18. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BEIJING NOODLE HOUSE, WEST STREET, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Home Office Immigration Enforcement for the review of the Premises Licence in respect of Beijing Noodle House, 13 West Street, Reading, RG1 1TT.

The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence due to the licence holder failing to uphold the licensing objective of the prevention of crime and disorder, as illegal working had been identified at the premises. The report detailed a visit to the premises on 12 May 2018 when three individuals had been found to be working illegally. The report also detailed a lack of licensing compliance and use of best practice procedures and no evidence that the licensing objectives had been actively promoted. The application sought for the Premises Licence to be revoked.

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

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 II and III.

The report stated that the Premises Licence Holder was Mr Dipak Gurung.

The Premises Licence was attached to the report at Appendix IV. It was reported at the meeting that the Premises Licence had been surrendered.

The Premises Licence had permitted the following:

### Hours for the Sale by Retail of Alcohol (on and off the premises)

|                    |                             |
|--------------------|-----------------------------|
| Monday to Saturday | 1000 hours until 2300 hours |
| Sunday             | 1200 hours until 2230 hours |

### Hours for the Provision of Late Night Refreshment (indoor and outdoor)

|                  |                             |
|------------------|-----------------------------|
| Monday to Sunday | 2300 hours until 2330 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

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, 11.10, 11.16 to 11.18, 11.20 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). The report also set out paragraphs 1.1 to 1.3, 1.5, 1.6, 2.19, 3.2, 3.4, 4.4 to 4.7, 9.1 to 9.7, 9.12 to 9.16, 9.20 and 9.21 of the Council's Statement of Licensing Policy. The report also referenced the relevant case law of *East Lindsey District Council v Abu Hanif (2016)*.

Mr Bill Donne, Silver Fox Licensing Consultant, was present at the meeting to represent the former Premises Licence Holder and addressed the Sub-Committee.

Lee-Ann Evanson, Home Office Immigration Enforcement, Richard French, Reading Borough Council Licensing Team and Declan Smyth, Thames Valley Police, were all present at the meeting.

### **Resolved -**

That consideration of the review of the Premises Licence in respect of Beijing Noodle House, 13 West Street, be adjourned for 29 days.

**19. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TOPS PIZZA, WOKINGHAM ROAD, READING**

The Head of Planning, Development and Regulatory Services submitted a report on an application by Home Office Immigration Enforcement for the review of the Premises Licence in respect of Tops Pizza, 10 Wokingham Road, Reading, RG6 1JG.

The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence due to the licence holder failing to uphold the licensing objective of the prevention of crime and disorder, as illegal working had been identified at the premises. The report detailed visits to the premises on 2 February 2018 when five individuals had been suspected of working illegally and on 20 April 2018 when three individuals had been found to be working illegally. The report also detailed a lack of licensing compliance and use of best practice procedures and there had been no evidence that the licensing objectives had been actively promoted.

The application sought for the Premises Licence to be revoked.

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

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 II and III.

The report stated that the Premises Licence Holder was Tops Pizza Limited. The current Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

Hours for the Sale by Retail of Alcohol (off the premises)

Monday to Sunday 1100 hours until 2300 hours

Hours for the Provision of Late Night Refreshment (indoor and outdoor)

Sunday to Wednesday 2300 hours until 0100 hours

Thursday to Saturday 2300 hours until 0200 hours

Hours the Premises is Open to the Public

Sunday to Wednesday 1100 hours until 0100 hours

Thursday to Saturday 1100 hours until 0200 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, 1.7, 1.8, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 11.10, 11.16 to 11.18, 11.20 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). The report also set out paragraphs 1.1 to 1.3, 1.5, 1.6, 2.19, 3.2, 3.4, 4.4 to 4.7, 9.1 to 9.7, 9.12 to 9.16, 9.20 and 9.21 of the Council's Statement of Licensing Policy. The report also referenced the relevant case law of *East Lindsey District Council v Abu Hanif (2016)*.

Mr Sayad Gabadi, Tops Pizza Limited, was present at the meeting and was represented by Mr Matthew Phipps, solicitor, who addressed the Sub-Committee.

Lee-Ann Evanson, Home Office Immigration Enforcement, was present at the meeting and addressed the Sub-Committee on the application. Richard French, Reading Borough Council Licensing Team and Declan Smyth, Thames Valley Police, were both present at the meeting and addressed the Sub-Committee.

### **Resolved -**

- (1) That, having reviewed the Premises Licence in respect of Tops Pizza, 10 Wokingham Road, and having regard to the promotion of the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance, as set out in the report, the Council's Statement of Licensing Policy, as set out in the report, the Sub-Committee concluded that it was appropriate and proportionate to suspend the Premises Licence for a period of three months, to remove the current Designated Premises Supervisor and to attach conditions to the Premises Licence. The Sub-Committee's reasons were:

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- (a) The breaches of licence conditions and breaches under the legislation, as set out in the report;
  - (b) The employment of illegal workers, as set out in the report;
  - (c) That the Premises Licence Holder and the Designated Premises Supervisor should have been more involved in the day to day running of the premises;
  - (d) The suspension was to allow the Premises Licence Holder time to improve the practices and procedures in order to uphold the licensing objectives;
- (2) That the following conditions be attached to the Premises Licence:
- (a) All incidents which impact on any of the four licensing objectives shall be recorded in a book/register kept at the premises for this purpose. The register shall record a description of the incident, a description of the persons involved in the incident, the person recording the incident and details of whether the police were called. Where known, any offenders name shall also be recorded. This book/register shall be available to an authorised officer of Reading Borough Council or Thames Valley Police upon request;
  - (b) 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 British passport or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification;
  - (c) Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
  - (d) The Premises Licence Holder shall display in a prominent position a copy of their policy on checking proof of age;
  - (e) All staff who will be selling alcohol shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register can be electronic or hard copy and shall contain:  
Details of the time and date the refusal was made  
The identity of the staff member refusing the sale  
Details of the alcohol the person attempted to purchase  
The book/register shall be available for inspection by an authorised officer of Reading Borough Council or Thames Valley Police;
  - (f) Persons authorised to sell alcohol shall be trained to BIIAB Level 1 award in Responsible Alcohol Retailing, or any similarly recognised

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nationally approved accreditation curriculum. Records of the training and reminders shall be kept.

(The meeting closed at 8.20 pm)