

Present: Councillor Woodward (Chair);
Councillors D Edwards and Grashoff

28. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - LOCAL FOOD & WINE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Inderjeet Singh Malhotra for the grant of a Premises Licence in respect of Local Food and Wine, 441 Basingstoke, Reading, RG2 0JF.

The report stated that the premises currently had a Premises Licence in force, which was held by Mr Gurmit Singh Gurwara, and that this licence had been revoked by the Sub-Committee, on 29 March 2018, due to the employment of an illegal worker, a breach of licence conditions and historical issues with illicit alcohol and tobacco. The report advised that the licence was currently still in force as the Premises Licence Holder had appealed this decision and was awaiting an appeal.

The report was amended at the hearing to reflect that the appeal had taken place and that the Court had upheld the Sub-Committee's decision to revoke the licence. At the time of the hearing there was no Premises Licence in force at the premises.

The report further advised that the Sub-Committee, on 6 September 2018, had refused an application for the grant of a Premises Licence in respect of Local Food and Wine, 441 Basingstoke Road, Reading, RG2 0JF, made by Mr Jasnoor Singh Vadwah.

As stated in the report, the application by Mr Inderjeet Singh Malhotra was seeking the following:

Sale by Retail 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 form was attached to the report at Appendix 1.

The report stated that during the 28 day consultation process for the application, representations had been received from Reading Borough Council's Licensing Team (attached to the report at Appendix 2), Reading Borough Council's Trading Standards Service (attached to the report at Appendix 3) and Thames Valley Police (attached to the report at Appendix 4).

The report stated that in considering the application, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

LICENSING APPLICATIONS SUB-COMMITTEE 2 MEETING MINUTES - 7 MARCH 2019

- 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, 8.41-8.49, 9.11-9.13, 9.42-9.43, 10.4-10.5, 10.15 and 10.27-10.28 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraphs 2.11-2.14, 3.2, 6.1-6.2, 6.11-6.13, 6.16 and 7.6-7.13 from the Council's Statement of Licensing Policy (October 2018).

The applicant submitted some additional documents which had been circulated to the Sub-Committee.

The applicant was represented by Mr Thomas Griffiths, Barrister, Citadel Chambers, who addressed the Sub-Committee on the application and responded to questions. Mr Inderjeet Singh Malhotra, the applicant, was present and responded to questions from the Sub-Committee and was accompanied and assisted by Mr Surendra Panchal, Personal Licence Courses Ltd and Mr Amjit Singh.

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. An officer from Reading Borough Council's Trading Standards Service was not present at the hearing but their representations regarding the application as stated in the report were taken into account by the Sub-Committee.

Resolved -

That, in order to promote the 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) and the Council's Statement of Licensing Policy, the grant of a Premises Licence in respect of Local Food and Wine, 441 Basingstoke Road, be refused. The Sub-Committee's reasons were:

- (a) the Sub-Committee was not content that this was a genuine transaction at arms-length, as Mr Gurmit Singh Gurwara, the former licence holder, remained the named person on the leasehold for the premises and there was no evidence to show that any transfer document would be signed;
- (b) the applicant was currently operating in the premises while Mr Gurmit Singh Gurwara remained the leaseholder, demonstrating that Mr Gurmit Singh Gurwara continued to maintain a clear interest in the premises;

LICENSING APPLICATIONS SUB-COMMITTEE 2 MEETING MINUTES - 7 MARCH 2019

- (c) the applicant seemed not to have fully understood his own application and did not seem to understand the licensing objectives or how to promote them;
- (d) the documents submitted by the applicant i.e. the appraisal, were not sufficient to show a valid transaction, despite a deposit having been paid for goods;
- (e) the Sub-Committee did not feel confident in relying on the proposed condition number 16 at Appendix 4, as no lease agreement had been signed;
- (f) the applicant, having been made aware of the history of the premises during the hearing, could not demonstrate how he would tackle issues raised in the report so as to promote the four licensing objectives.

(The meeting closed at 11.51 am)