

Present: Councillor Woodward (Chair); Edwards (Vice-Chair) and Mitchell

21. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - MILANOZ KING PIZZA, 136 WOKINGHAM ROAD, READING

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application by Home Office Immigration Enforcement for the review of a premises licence in respect of Milanoz King Pizza, 136 Wokingham Road, Reading, RG6 1JL.

The report stated that, as a responsible authority, Home Office Immigration Enforcement (HOIE) had submitted the application for the review of the premises licence following an inspection of the premises on 26 January 2023. The joint inspection visit had been conducted by HOIE officers, together with officers from Reading Borough Council's Licensing Team, following the receipt of information by HOIE that the premises had been employing workers that had no right to work in the UK. The report stated that during the visit a total of three illegal workers had been discovered on the premises. The report also stated that, during the same visit, officers from Reading Borough Council's Licensing Team had discovered several breaches of the premises licence conditions.

The review application sought revocation of the premises licence due to the seriousness of the crimes discovered at the premises. A copy of the review application form submitted by Home Office Immigration Enforcement was attached to the report at Appendix RS-1.

During the 28-day consultation period for the application, representations had been received from the responsible authorities of Thames Valley Police Licensing and Reading Borough Council Licensing. Copies of the representations were attached to the report at Appendix RS-2 and Appendix RS-3 respectively. In addition to supporting the HOIE recommendation to revoke the premise licence, the representations provided details of the joint inspection visit conducted by RBC Licensing and Thames Valley Police Licensing officers on 22 March 2023.

The report stated that the current Premises Licence holder was EVA PVT Ltd. A copy of the original Premises Licence was attached to the report at Appendix RS-4.

An updated version of the Premises Licence had been issued on 17 April 2023 following the grant of a minor variation application submitted by the licence holder on 22 March 2023 to add more up to date conditions to the premises licence. A copy of the updated Premises Licence was added to the agenda papers at Appendix RS-5.

Both versions of the Premises Licence permitted the following:

Provision of Late Night Refreshment

Monday from 2300hrs until 0500hrs
Tuesday from 2300hrs until 0500hrs
Wednesday from 2300hrs until 0500hrs

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Thursday from 2300hrs until 0500hrs
Friday from 2300hrs until 0500hrs
Saturday from 2300hrs until 0500hrs
Sunday from 2300hrs until 0500hrs

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 Secretary of State's statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps that 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

The report set out paragraphs 1.2 to 1.5, 1.7, 1.8, 9.12, 9.25, 9.31, 9.38, 9.39, 9.42, 9.43, 11.1, 11.2, 11.6, 11.16 to 11.20 and 11.23 to 11.28 of the Secretary of State's Amended Guidance issued under Section 182 of the Licensing Act 2003 (December 2022). The report also set out paragraphs 3.1, 3.2, 3.4, 6.5, 9.1 to 9.4, 9.14 to 9.16, 10.1 and 10.3 the Council's Licensing Policy Statement.

A rebuttal statement and associated confidential appendices prepared by Bill Donne on behalf of the respondent had been circulated to the Sub-Committee on 18 April 2023. A redacted version of the rebuttal statement, minus the confidential appendices was added to the published public agenda papers. Further documents submitted by Bill Donne on 19 April 2023 were not considered by the Sub-Committee as they had been received too late.

Robert Smalley, RBC Licensing, presented the report to the Sub-Committee.

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Dan Goldhill and Caroline Laird, Home Office Immigration Enforcement, were both present at the meeting, addressed the Sub-Committee on the review application and answered questions.

Declan Smyth, Thames Valley Police Licensing, and Anthony Chawama, RBC Licensing, were both present at the meeting, addressed the Sub-Committee Committee and answered questions.

Farhan Tahir, director of EVA PVT Ltd, was present at the meeting represented by Bill Donne, Silver Fox Licensing Consultants. Bill Donne addressed the Sub-Committee and answered questions on behalf of Farhan Tahir.

Resolved:

That, after taking into consideration:

- the Licensing Act 2003, the Secretary of State's Guidance issued under section 182 of that Act (in particular paragraphs 11.27 and 11.28 regarding criminal activity) the Environmental Protection Act 1990, the Equality Act 2010, Reading Borough Council's Statement of Licensing Policy and the promotion of the four Licensing Objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm);
- the written and oral submissions received from Home Office Immigration Enforcement, Thames Valley Police Licensing and RBC Licencing;
- the written and oral submissions received from the respondent's representative;

and having considered the evidence provided by Anthony Chawama, RBC Licensing and by Dan Goldhill, Home Office Immigration Enforcement the Sub-Committee concluded that, on the balance of probabilities, a Mr S, had been working illegally when the premises were inspected. Mr S had admitted to the Immigration Enforcement officer that he had been working, he had parked his car at the back of the premises and had arrived with a Deliveroo-style pizza bag. The Sub-Committee also noted the distress of Mr S's sister in the car when Mr S was arrested. The Sub-Committee observed that the respondent had not provided any evidence from Mr S, or from the manager in charge, to contradict this evidence and noted that assertions from the respondent's representative did not constitute evidence.

Once this finding of fact had been made, paras 11.27 & 11.28 of the Secretary of State's guidance required the Sub-Committee to give serious consideration, even in the first instance, to the revocation of the licence.

The Sub-Committee gave such consideration and concluded that it was proportionate and appropriate to revoke the premises licence for Milanoz King Pizza, 136 Wokingham Road, Reading, RG6 1JL.

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The Premises Licence Holder was informed of his right to appeal the decision.

(The meeting started at 9.30 am and closed at 12.30 pm)