

To: Councillor Woodward (Chair), Edwards
and Keane

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26 February 2024

Your contact is: **Julie Quarmby - Committee Services**

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 5 MARCH 2024

A meeting of the Licensing Applications Sub-Committee will be held on Tuesday, 5 March 2024 at 5.00 pm in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

	<u>AFFECTED WARDS</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
(a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration;		
(b) Councillors to declare whether they wish to speak on the grounds they:		
i. Have submitted a relevant representation; or		
ii. Will be speaking on behalf of someone who has submitted a relevant representation.		
2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - GULAB DINING, 130-134 WOKINGHAM ROAD, READING, RG6 1JL	PARK	5 - 88
To consider an application for the grant of a premises licence in respect of Gulab Dining, 130-134 Wokingham Road, Reading, RG6 1JL.		

3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - HOLLYWOOD BOWL, UNIT MSUA, RIVERSIDE LEVEL, ORACLE SHOPPING CENTRE, READING, RG1 2AG **ABBEY**

The above report has been removed from the Agenda following the withdrawal of the relevant representation submitted by the Council's Planning department in its capacity as a Responsible Authority.

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LICENSING ACT 2003 HEARING TUESDAY 05 MARCH 2024 @ 17:00HRS
APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:

Gulab Dining
130-134 Wokingham Road
Reading
RG6 1JL

2. Applicant:

GM Restaurants Ltd

3. Background:

There is currently no licence in force at the premises. The business has been operating at this address for over 34 years. The premises held a premises licence under the Licensing Act 2003 from 2005 until it was revoked at a sub-committee hearing on 01 November 2018, with an appeal against this decision, lodged by the licence holder, being dismissed at Reading Magistrates' Court on 25 June 2019. The review application was submitted by Home Office Immigration Enforcement following an enforcement visit they conducted in May 2018 at which 5 people were found to be working that did not have valid leave to remain or permission to work. Of these 5 people, 3 were arrested under Schedule 2 Paragraph 17(1) Immigration Act 1971aa, as persons liable to be detained under Schedule 2 Paragraph 16(2) Immigration Act 1971aa. The other 2 persons were not arrested due to complications in their current outstanding applications or due to mitigating circumstances, however, they were both escorted from the premises following enquiries.

Prior to the sub-committee hearing at which the previous premises licence was revoked, a transfer application was received by Reading Borough Council, submitted on behalf of Mr Mouadjul Miah, who is one of the directors of the current applicant company, GM Restaurants Ltd. This application received representations from Thames Valley Police. They argued that the transfer was an attempt to circumvent the legal process (review proceeding and potential revocation of the licence) and stated that due to the close personal relationship existing between the applicant, Mr Mouadjul Miah, being the son of the then Premises Licence Holder, Mr Jamshed Miah, who presided over the failings that led to the review of the licence and that if the application to transfer the premises licence was allowed to take place then it would undermine the crime prevention objective. The transfer was refused at a sub-committee hearing on 08 November 2018. The applicant appealed this decision, and the appeal was dismissed at Reading Magistrates' Court on 25 June 2019 due to the licence revocation being upheld by the magistrates.

An application for the grant of a premises licence was submitted on behalf of Berkshire Restaurant Ltd on 26/01/2019. This received representations from Reading Borough Council's Licensing Team, Environmental Protection Team, Planning Team and Thames Valley Police. The director for Berkshire Restaurants Ltd had a previous working relationship with Mr Jamshed Miah and Reading Borough Council Licensing and Thames Valley Police were concerned that Mr Jamshed Miah would still control the premises with Berkshire Restaurant Ltd being the licence holder in name, only.

The application has been submitted by Ardens Solicitors on behalf of GM Restaurants Ltd and is attached as **Appendix RS-1**

4. Proposed licensable activities and hours:

The application is for the grant of a premises licence for the following activities:

Provision of Recorded Music:

Monday to Sunday from 2300hrs to 0030hrs

Provision of Late Night Refreshment:

Monday to Sunday from 2300hrs to 0030hrs

Sale by Retail of Alcohol (On & Off the Premises):

Monday to Sunday from 1100hrs until 0030hrs

Hours the Premises is Open to the Public:

Monday to Sunday from 1100hrs until 0100hrs

Following correspondence between Reading Borough Council's Environmental Protection Team and the applicant, the applicant has agreed to reduce all terminal hours listed above to 2300hrs.

5. Temporary Event Notices

In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to authorise licensable activities. A premises can extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per calendar year.

6. Date of receipt of application: 02 January 2024

7. Date of closure of period for representations: 30 January 2024

8. Representations received:

During the 28 day consultation period for the application, representations were received from:

1. Thames Valley Police – Declan Smyth – Attached as **Appendix RS-2**
2. Reading Borough Council Licensing – Peter Narancic – Attached as **Appendix RS-3**

9. Powers of the Authority in determining an application for the grant of a premises licence

The Licensing authority, when determining an application for the grant of a premises licence may:

- Grant the application as applied for

- Grant the application with modifications
- Refuse the application

10. Licensing Objectives and Reading Borough Council's Licensing Policy Statement

In considering representations received the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are as follows:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter, or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

In determining this 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.

11. The Council's Licensing Policy Statement (2023):

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be taken into account and issues dealt with in a spirit of partnership and cooperation.

3. Licensing and integration with other legislation

3.1 Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives:

Crime and Disorder Act 1998

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour) adversely affecting the local environment. This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

5. Licensing Applications

Grant and Full Variations

5.6 During the 28-day consultation period, the authority will scrutinise the application along with all of the other Responsible Authorities to judge whether it undermines the promotion of the licensing objectives. The application will be made available to any person who requests to see it. As per Section 18 (6) of the Licensing Act 2003, it will consider the likely effect of granting any licence on the promotion of the licensing objectives. The authority will expect all applicants to have taken cognisance of the Secretary of State's Guidance; local strategies and initiatives; this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

5.7 Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Applications Committee for determination.

6. Licensing Conditions

General Approach

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant/variation of a premises licence or club premises certificate)

6.2 The operating schedule within an application should contain an assessment from the proposed licence holder of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance which outlines the matters that an applicant should take into account such as issues in the locality and why their proposed measures are suitable for their proposed operation.

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

Restaurants and Cafes – General Approach to conditions

6.24 The licensing authority would expect all bona fide restaurants to take cognisance of the Secretary of State's Guidance and this policy and include measures that actively promote the four licensing objectives.

6.25 As well as the measures outlined above in relation to a Challenge 25 age verification policy, CCTV and staff training, the authority will expect all bona fide restaurants to include a condition within their operating schedule to the effect that the sale of alcohol will be ancillary to a sit down food order and that the premises will operate solely as a restaurant with waiters and waitresses providing table service. It is the authority's view that restaurants should not be a place where upright vertical drinking takes place.

6.26 Where a restaurant wishes to provide a delivery service for their products – including alcohol – the authority will expect measures to be included within the operating schedule of how those deliveries will operate. For example, to ensure that deliveries are being made to full postal addresses and not fields; that deliveries which contain alcohol are subject to the premises age verification policy with refusals logged accordingly and that delivery bikes are not causing a public nuisance to local residents.

7. Licensing Hours

General Approach

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

Licensed Premises in Residential Areas

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

7.12 The licensing authority will seek the input of the Council's Environmental Protection and Nuisance team when looking at measures that may be appropriate for the prevention of public nuisance. This will include taking cognisance of any representations that are submitted as part of the application process or any enforcement action they have taken under their own legislation – such as noise abatement notices.

8. Children in Licensed Premises

8.6 The Authority will expect all licence holders or premises that wish to allow children on to their premises to ensure that access is restricted where appropriate. This would include, ensuring that all children are accompanied and that they do not have access to or sight of alcohol.

10. Administration, Exercise and Delegation of Functions

10.1 The powers of the Licensing Authority under the Licensing Act 2003 may be carried out by the Licensing Committee; by a Sub Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10-15 members and the committee may establish one or more sub-committees consisting of two or three members.

10.3 A Licensing Sub-Committee shall hear all applications where relevant representations have been received and applications for the review of a premises licence that may have been submitted by Responsible Authorities or any other persons.

12. Amended Guidance issued under section 182 of the Licensing Act 2003 (December 2023)

Licensing Objectives and Aims:

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

Steps to promote the licensing objectives:

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may

congregate;

- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics website;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the

operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

The role of responsible authorities

9.12 Each responsible authority will be an expert in their respective field, and in some cases, it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Hearings

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a

hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

13. The Licensing Act 2003

The Licensing Act 2003 under Section 18 (6) also states that any relevant representation should be considered in the context of:

(a) the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Therefore, in the context of the grant of a licence, it is reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives.

14. Relevant Case law for consideration:

(R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation and confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises.

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016) this underpins the principles widely acknowledged within the Licensing Act 2003 that the licensing objectives are prospective, and that the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

15. Appendices

Appendix RS-1: Premises Licence Application Form

Appendix RS-2: Representation from Thames Valley Police – Declan Smyth
Appendix RS-3: Representation from Reading Borough Council Licensing – Peter Narancic

Appendix RS-1

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We GM RESTAURANTS LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Gulab Dining, 130-134 Wokingham Road Reading Berkshire RG6 1JL			
Post town	Berkshire	Postcode	RG6 1JL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£24,500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | |
|--|-----------------------------|
| a) an individual or individuals | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership - YES | i. |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| c) a recognised club | please complete section (B) |
| d) a charity | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the
Care Standards Act 2000 (c14) in respect of an
independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of
Part 1 of the Health and Social Care Act 2008
(within the meaning of that Part) in an
independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in please complete section (B)
England and Wales

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; - YES

I am making the application pursuant to a
statutory function or
a function discharged by virtue of Her Majesty’s prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

		Other Title (for example, Rev)	
Surname		First names	
Date of birth		I am 18 years old or over	Please tick yes
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit ‘share code’ provided to the applicant by that service (please see note 15 for information)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name: GM RESTAURANTS LTD
Address 71-75 Shelton Street, Covent Garden, London, United Kingdom, WC2H 9JQ
Registered number (where applicable) 15303906
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Restaurant

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F) - YES
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I) - YES

Supply of alcohol (if ticking yes, fill in box J) - YES

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Day	Start	Finish	Indoors	X
Mon	23:00	00:30	Outdoors	
Tue	23:00	00:30	Both	
Wed	23:00	00:30	<u>Please give further details here</u> (please read guidance note 4)	
Thur	23:00	00:30		
Fri	23:00	00:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)	
Sat	23:00	00:30		
Sun	23:00	00:30		
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon	23:00	00:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	00:30			
Fri	23:00	00:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	00:30			
Sun	23:00	00:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
				Both	x
Mon	11:00	00:30	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	11:00	00:30			
Wed	11:00	00:30			
Thur	11:00	00:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:00	00:30			
Sat	11:00	00:30			
Sun	11:00	00:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mouadjul Miah	
Date of birth	██████ 1998
Address ████████████████████ Reading, Berkshire	
Postcode	████████
Personal licence number (if known) PL1523	
Issuing licensing authority (if known) WOKINGHAM	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	01:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	11:00	01:00	
Wed	11:00	01:00	
Thur	11:00	01:00	
Fri	11:00	01:00	
Sat	11:00	01:00	
Sun	11:00	01:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

SUMMARY -

CCTV, CHALLENGE 25, REGULAR TRAINING, INCIDENT LOG, ALCOHOL ANCILLARY TO FOOD

The premises has previously been licensed but had the licence revoked due to the presence of illegal workers on site. The premises has traded as a restaurant for the past five years with no issues and seeks to be licensed again.

To mitigate the risk of issues recurring the new premises licence holder has assumed full control of the premises with a full lease in their name (available on request) and proposes conditions to assist in ensuring that all staff have the right to work in the UK.

b) The prevention of crime and disorder

Any sales of alcohol shall be ancillary to a substantial meal.

There shall be CCTV in operation at the premises and;

- a) a member of staff who is conversant with the operation of the CCTV system shall be on the premises at all times.
- b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- c) CCTV shall record continuously and be retained for not less than 31 days.

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months. Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry.

The licence holder shall ensure that all employees have a right to work in the UK, the licence holder shall:

1. obtain original versions of one or more of the [acceptable documents](#);
2. check the documents in the presence of the holder; and
3. make clear copies of the documents, retain the copies and a record of the date on which the check is made. For example: the date on which this right to work check was made: [insert date].

The licence holder must check the validity of the documents in the presence of the holder.

The documents must be checked to ensure that: they are genuine, that the person presenting them is the prospective or existing employee, that the photograph and dates of birth are consistent across documents and with the person's appearance.

c) Public safety

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV repaired within 24hrs
- (f) any visit by a relevant authority or emergency service.
- (g) any lost property found or handed to staff at the premises.
- (h) any other relevant incidents to be recorded.

d) The prevention of public nuisance

No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21:00 hours and 08:00 hours.

No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.

Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and leave the area quietly, and to dispose of their waste responsibly. Staff will also encourage customers to do the same.

e) The protection of children from harm

A “Challenge 25” age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises.

A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;

- a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
- b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. – y
- I have enclosed the plan of the premises. – y
- I have sent copies of this application and the plan to responsible authorities and others where applicable. – y
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. – y
- I understand that I must now advertise my application. – y
- I understand that if I do not comply with the above requirements my application will be rejected. - y
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)



Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	02/01/2024
Capacity	Authorised Agent, Consultant, ARDENS LAW

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Oisin Daly, Consultant Ardens Law Norvin House 45-55 Commercial Street			
Post town	London	Postcode	E1 6BD
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Appendix RS-2

LICENSING TEAM REPRESENTATION

Name of Officer	Peter Narancic Senior Licensing and Enforcement Officer						
Type of Application	Grant of a Premises Licence – Licensing Act 2003						
Name of Premises	GM Restaurants Limited – Gulab Dining						
Address	130 – 134 Wokingham Road Reading RG6 1JL						
Licensable Activities Applied For	Supply of Alcohol - On & Off the Premises Playing of Recorded Music - Indoor Performance of dance - Indoor Late Night Refreshment – Indoor and Outdoor						
Proposed Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<u>Officer comments</u>							
<p>This is a second grant application for these premises. The previous application was submitted by a Mr Stuart Southern in late 2018 but was subsequently withdrawn before it went to an hearing, following objections from Thames Valley Police, the Licensing team, the EP(noise team) and Planning.</p> <p>The Licensing team object to the application to operate the proposed premises named GM Restaurants Limited/Gulab Dining, 130-134 Wokingham Road, Reading RG6 1JL</p> <p>Reading has the highest crime rate in Berkshire (Refer to Appendix PN6) The applicant wishes to operate a restaurant, with table service, a takeaway, off- licence and home delivery of alcohol and food (it is not known if delivery staff will be directly employed by the applicant or a 3rd party used) in a challenging area in East Reading, The representation is based on the applicant's own submitted operating schedule, further discussions with applicant's representative, Reading Borough Council's Statement of Licensing Policy, the</p>							

Secretary of State's Guidance (s182) and officer's knowledge of the local area the premises is situated within and the extensive history of the premises.

As mentioned above, there is a significant issue in the Reading area with crime and disorder, including street crime, use of bladed weapons, drug taking, sexual assaults and drunkenness. This has led to issues of anti-social behaviour in local communities. The operating schedule makes no mention of any of these issues or how the staff working in the premises will deal with crime and disorder issues inside or outside when they arise.

The Licensing team believe granting a licence will undermine the promotion of the licensing objectives – notably the prevention of crime and disorder. We have concerns about the new applicant. The applicant, Mr Mouadjul Mohammed Miah (son) is related to the previous licence holder Mr Jamshed Miah (father) who was first granted a licence for these premises in 2005. Research has revealed, Mr Mouadjul Mohammed Miah is the sole director and company secretary of GM Restaurants Limited at these premises and at other premises. Mr Mouadjul Miah is a director of 6 premises in total (one is pending liquidation). Company information is attached at **Appendix PN-1**, We would question his suitability to a licensed premises in accordance with legislation and the promotion of the licensing objectives. Section 18 (6) of the Licensing Act 2003 states that representations should relate to the likely effect of granting a licence on the licensing objectives and we believe that the likely effect of granting this licence is that the proposed licence holder will have no day to day control of this business and that he is, in effect, applying for a licence on behalf of someone else – notably the previous business owner who has committed serious criminal offences at the premises, which resulted in a review and revocation the premises licence.

In addition, the hours applied for are outside the permitted hours allowed by current planning permission. Therefore this application is contrary to Reading Borough Council's Licensing Policy ;

2.9 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.

2.10 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

A copy of the current planning permission is attached as **Appendix PN-2**.

Background/ history

On 1 November 2018, the Licensing Sub-Committee heard the application for the review of this premises licence, held by Mr Jamshed Miah, (the applicant's father) brought by the Home Office Enforcement service as FIVE illegal workers were found in the premises

during a joint visit with the Licensing team on Sunday 13 May 2018 and resolved that it was appropriate and proportionate to revoke the premises licence as the only way to promote the four licensing objectives.

It is the duty of any responsible employer to ensure that the correct right to work checks are carried out. This has been a legal requirement since the late 1990's. The premises licence holder has employed a person who has no right to work or live in the UK. Clearly, right to work checks were not being carried out. The Immigration Act 2016 amended Section 21 of the Immigration, Asylum and Nationality Act 2006 and is the relevant legislation that deals with the employment of illegal workers

It is well documented Illegal working is not victimless, it undercuts honest employers, cheats legitimate job seekers out of employment opportunities and defrauds the public purse.

The employment of workers who have no right to work in the UK have been found to lead to other serious criminal offences. Indeed at the hearing before the Licensing Sub - Committee on 1 November 2018, Mr Jamshed Miah admitted that he had not produced any employment records at the time of the inspection or thereafter, that he had not produced any evidence that the business undertook any employment or right to work checks for any staff, past or present, despite claiming that he had records from 2016. He also admitted using the practice of using trial working periods in advance of checking an individual's employment/right to work status, and he was unable to state whether individuals were employed or self-employed, again demonstrating a lack of proper documentation. It is not clear if these workers were being paid the minimum wage or if relevant tax contributions were being made or declared in respect of the workers to HMRC. The premises licence holder by not checking any right to work documents is committing offences under various immigration legislation. It is likely, the illegal workers have also committed offences under paragraph 24B of the Immigration Act 1971. It is a legal requirement for all businesses to check their employees have the correct right to work documents before employing them. The premises licence holder is benefitting financially from employing persons who have no right to work in the UK. The employment of illegal workers and the associated crimes that stem from doing this clearly engage the licensing objective of the prevention of crime and disorder and is a proper matter for the Authority to consider. The Secretary of State's Guidance under the heading of Reviews arising in connection with crime at paragraphs 11.24 to 11.28 and the case law stated within the review application – East Lindsey District Council v Abu Hanif is clear that it is the promotion of the licensing objectives that are of prime concern under the Licensing Act 2003.

During the Licensing team's joint visit with Home Office Immigration Enforcement on Sunday 13 May 2018, the following breaches of legislation and other issues were identified. Part A of the premises licence was not available for inspection, a valid copy of summary Part B of the premises licence was not displayed, a Section 57 (in relation to Part A Premises licence) was not displayed, Mr Rahman, the duty manager could not produce a list in regard to which staff can sell alcohol under Mr Jamshed Miah's authorisation, neither could Mr Rahman name any of the four licensing objectives or supply a copy of the premises plan, nor produce staff training records to show how staff were trained in regards to the licensing Act 2003. Mr Rahman could not confirm what age verification policy was being operated at the premises, which is a very serious breach of the mandatory conditions.

The mandatory conditions also stipulate that the holder of any premises licence or club premises certificate must ensure that a suitable age verification policy is adopted at the premises in respect to the sale or supply of alcohol. All sales must then be carried out in relation to that policy and only then when suitable photographic identification is produced. Any premises found operating without a valid policy is likely to face appropriate enforcement action for conducting unlicensed activity and undermining the promotion of the licensing objectives. As a result, the finding of numerous illegal workers and breaches of licensing law, the premises were graded as unsatisfactory/high risk. I produce a copy of the minutes of the meeting as **Appendix PN- 3**

Following the revocation decision, the premises licence holder, Mr Jamshed Miah appealed the decision to revoke the premises licence to Reading Magistrates Court which was in heard in 2020. The appeal was dismissed. This is shown at **Appendix PN- 5**

On 8 October 2018, an application to transfer the premises licence from Mr Jamshed Miah to his son, Mr Mouadjul Miah, was received by the Council. Due to objections a hearing was held on 8 November 2018, where the Sub-committee resolved to refuse to grant the licence due to the applicants inexperience of running such a business did not give the Sub-Committee confidence that the licensing objectives would be promoted, they were concerned that Mr Jamshed Miah would continue as the designated premises supervisor and believed that he would still be actively involved in the business and would influence the applicant who has very limited experience, despite the signed declaration to the contrary. I produce a copy of the minutes of the meeting as **Appendix PN-4**

Following the decision, the premises licence holder, Mr Jamshed Miah and Mr Mouadjul Miah appealed the decision to refuse the transfer to Reading Magistrates Court which was heard in 2020. This appeal was also dismissed. This is shown at **Appendix PN- 5.**

On 26 January 2019 a grant application on behalf of a new applicant, Mr Stuart Southern, the sole Director of Berkshire Restaurant Limited, 8 Shinfield Rise, Reading RG6 4JY was submitted to the Council.

No additional documentation was submitted to support this application.

Given the history of these premises that were found with several illegal workers and breaches of licensing law and subsequently had its licence revoked we would have expected this any new applicant to have made an attempt to contact the Licensing team and Police to discuss any plans to submit a grant application given there is an outstanding appeal and history of criminal activity at the premises. Additionally the applicant has not provided any documents or any other evidence in relation to the bone fide purchase of this business from the present owner as you would have expected.

Paragraph 8.46 of the Government's Guidance S182 states "*While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where*

relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise”.

Guidance issued under section 182 of the Licensing Act 2003 (December 2023)

Secretary of State’s Guidance

Licensed Premises

I refer to Section 18 (6) of the Licensing Act in regard to the likely effect the granting of a licence would have on the promotion of the licensing objectives and sections 8.41 to 8.49 of the Secretary of State’s Guidance which deals with the information that applicants should provide to the licensing authority in order to actively promote the licensing objectives.

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to **demonstrate knowledge of their local area** when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants’ proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached .

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Planning

The Licensing team have been informed that the premises owners do have the relevant planning permission to operate this business between 2300hrs and 0800hrs. The Council's licensing policy clearly states that applicants should have the appropriate planning permission in place prior to obtaining a licence and that licensed hours should be in line with any restrictions in the planning permission. This has been previously pointed out to the applicants.

The current planning permission for these premises includes a condition which states "The restaurant hereby permitted shall not operate between the hours of 23.00 and 09.00 the following day. Reason: in order to protect the amenities of neighbouring residential properties."

. Reading Borough Councils Policy statement (2023-2028) clearly states at paragraph 7.5 *All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions – including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.*

Reading Borough Council Licensing Policy statement (2023 to 2028) states:

1.1 This policy sets out how the Council as the Licensing Authority for Reading promotes the four licensing objectives stated in the Licensing Act 2003. The four licensing objectives, as outlined in Section 4 (2) of the Licensing Act 2003, are of equal importance and the Council along with other named Responsible Authorities, stakeholders, residents and licence holders shall work together in order to actively promote them.

Those four licensing objectives are:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public Safety

1.2 The Council must have regard to the four licensing objectives when carrying out its functions under the Licensing Act 2003. The Licensing Authority will also have regard to other Council policies which have been introduced to tackle issues that may undermine crime and disorder or any of the other licensing objectives. The Licensing Authority will have regard to the contents of this policy as well as the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003. It may also depart from this policy and the Secretary of State's Guidance if there are exceptional circumstances and it is appropriate to do so to promote the licensing objectives. If the Licensing Authority departs from the Secretary of State's Guidance it will give reasons as per paragraph 1.9 of that guidance.

1.3 The legislation also supports other key aims and purposes. These are outlined in paragraph 1.5 of the guidance and should be principal aims for all parties involved in licensing for the promotion of the licensing objectives. The licensing authority will have regard to these key aims in its decision making. They are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance associated and caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night time economy and take action against those premises that are causing problems;

- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Licensing and Planning integration

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night-time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night-time economy.

2.2 We have high expectations of our licence applicants. Alcohol consumption is a major factor behind violent crime and disorder with serious consequences to victims, businesses and local communities. We are also painfully aware of the links between poor health and excessive alcohol consumption, and the occasional conflict between the needs of our business community and those of our residents who have a right to live peacefully within their homes and community.

2.3 We therefore welcome applications that are aware of the Reading Borough Council Antisocial Behaviour Policy which has as a key aim "Ensure a partnership approach is taken to tackle Anti-Social Behaviour". This work is guided through Reading's Community Safety Partnership and its response to the annual strategic assessment.

2.4 The Reading Climate Emergency Strategy 2020-25, sets out the action required during this critical period to work towards the objective of a net zero carbon Reading by 2030 so we expect applicants to rigorously promote environmental protection.

2.5 The Council Corporate Plan 2022 to 2025 reported the three-year Community Safety and Serious Violence Strategy had been approved following a needs assessment and public consultation, and involving key agencies such as the police and probation. Seven priorities were identified including reducing community based drug activity, reducing knife violence and tackling violence against women and girls. The Community Safety Partnership has developed a three-year action plan to tackle these priorities. The plan will deliver a number of actions through working in partnership across these key areas. We expect applicants to dovetail with these actions and our broader aspirations.

2.6 Alongside all of this, we recognise our shared legal duties to uphold the licensing objectives and to adhere to key legislation, including the prevention of immigration crime as set out in the Immigration Act (2016) and the Modern Slavery Act (2015), and we are committed to working in partnership to ensure a responsive licensing approach which strikes the right balance, supports the diversity of our borough and ensures that businesses can

thrive while residents and visitors can enjoy what's on offer in a safe, inclusive and welcoming environment.

2.7 The planning authority of Reading Borough Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives. The prevention of crime and disorder and prevention of public nuisance are shared concerns of the planning and licensing authorities.

2.8 The planning authority have a number of policies that impact on Reading's night-time economy. The Licensing authority recognises that licensing applications should not be a re-run of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.9 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, **the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.**

2.10 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.11 Where the planning authority has granted a planning consent that contains conditions that, if not complied with, may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.12 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies, and initiatives in order to actively promote the licensing objectives.

2.13 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

2.14 The Council's 'Reading Borough Local Plan' identifies in more detail those issues relating to licensed premises, the 24 hour economy and the general organisation of retailing within the town centre. It can be accessed here - [New Local Plan - Reading Borough Council](#)

2.15 The key issues surrounding the determination of planning permission are as follows:

- Impact on the viability of the town centre
- Potential financial contribution to a safer borough (CCTV)

These are all matters that are also proper concerns of the licensing authority and will be taken into account when determining applications. If appropriate to the promotion of the licensing objectives, conditions may be added to licences so as to ensure proper integration of Council policies and strategies.

Other Legislation that the Licensing Authority will consider

3.10 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Reading Borough Council Act 2013 which deals with street trading and touting
- Health and Safety at Work Act 1974 and Food Hygiene regulations
- Planning legislation (see paragraphs 2.2-2.9 of this policy)

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

Restaurants and Cafes – General Approach to conditions

6.24 The licensing authority would expect all bona fide restaurants to take cognisance of the Secretary of State's Guidance and this policy and include measures that actively promote the four licensing objectives.

6.25 As well as the measures outlined above in relation to a Challenge 25 age verification policy, CCTV and staff training, the authority will expect all bona fide restaurants to include a condition within their operating schedule to the effect that the sale of alcohol will be ancillary to a sit down food order and that the premises will operate solely as a restaurant with waiters and waitresses providing table service. It is the authority's view that restaurants should not be a place where upright vertical drinking takes place.

6.26 Where a restaurant wishes to provide a delivery service for their products – including alcohol – the authority will expect measures to be included within the operating schedule of how those deliveries will operate. For example, to ensure that deliveries are being made to full postal addresses and not fields; that deliveries which contain alcohol are subject to the premises age verification policy with refusals logged accordingly and that delivery bikes are not causing a public nuisance to local residents.

General Approach

7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on

licensing hours for the locality of each premises. All applications will be considered on its individual merits.

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

7.3 As part of the operating schedule submitted with any application, the applicant is expected to take cognisance of the guidance, this policy and any other available data pertaining to their prospective locality and the potential impact their operation may have on that area.

7.4 Where it is deemed appropriate and proportionate to do so, the authority may seek to reduce the hours for licensable activities in order to promote an orderly and gradual dispersal from a certain area or certain premises.

7.5 All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions – including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.

Licensed Premises

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

Other information

An appeal court judgement in June 2018, District Judge Julie Cooper at Camberwell Green Magistrates Court regarding Peckham Food & Wine v London Borough of Southwark upheld the decision of the London Borough of Southwark to revoke a convenience store's premises licence following allegations of illegal workers being employed.

A Council argued, in reliance on Griffiths LJ's observations in R v Knightsbridge Crown Court ex p International Sporting Club (London) Ltd [1982] 1 QB 304,

that it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply transferring the licence into someone else's name or selling the business when they got caught and so, effectively, get away with it. The deterrent effect of licensing enforcement would be lost and licensing authorities are right to take a robust stance against such transfers, particularly those which appeared to be a ruse.

As can be seen, Mr Jamshed Miah has made previous attempts to retain this premises licence at all costs. On this application the Licensing team believe there is still a clear family link between the new applicant, Mr Mouadjul Miah and Mr Jamshed Miah. If a licence is granted to GM Restaurant Limited, it possible that Mr Mouadjul Miah can 'sell' this business to his father, Mr Jamshed Miah, at any time without having to notify the this Council. No additional information was provided with the application to show that a genuine sale of the business premises has been undertaken.

In addition, the hours applied for are outside the permitted hours allowed by current planning permission. Therefore this application is also contrary to Reading Borough Council's Licensing Policy.

The Licensing team respectfully submits that this application is refused for the reasons given in this representation.

Date Received	02.01.2024	Date Due	30.01.2024
	Peter Narancic Senior Licensing and Enforcement Officer	Date	26.01.2024

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GM RESTAURANTS LTD

Company number **15303906**

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Apply filter

2 officers / 0 resignations

MIAH, Mouadjul

Correspondence address

Role Active **Secretary**

Appointed on **22 November 2023**

MIAH, Mouadjul Mohammed

Correspondence address

Role Active **Director**

Date of birth

Appointed on **22 November 2023**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Ordinator**

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Mouadjul Mohammed MIAH

Filter appointments

Current appointments

Apply filter

Total number of appointments 6

Date of birth

[REDACTED]

OPULENCE READING LTD (15345336)

Company status **Active**

Correspondence address

Role Active **Director**

Appointed on **12 December 2023**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Ordinator**

GM RESTAURANTS LTD (15303906)

Company status **Active**

Correspondence address

Role Active **Director**

Appointed on **22 November 2023**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Ordinator**

MY IT READING LTD (14590546)

Company status **Active**

Correspondence address

[REDACTED]

Role Active **Director**

Appointed on **13 January 2023**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Ordinator**

MIAH'S (READING) LIMITED (04246311)

Company status **Liquidation**

Correspondence address

[REDACTED]

Role Active **Director**

Appointed on **20 October 2018**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Ordinator**

MIAH'S LIMITED (03884914)

Company status **Active**

Correspondence address

[REDACTED]

Role Active **Director**

Appointed on **20 October 2018**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Ordinator**

MIAH'S (PANGBOURNE) LIMITED (04592279)

Company status **Active**

Correspondence address [REDACTED]

Role Active **Director**

Appointed on **20 October 2018**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Ordinator**

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Application No: 89/0768/FD

READING BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1977 - 1985

To: Mr J Miah

APPROVAL OF
FULL DETAILED
APPLICATION

On the 9th August 1989 the READING BOROUGH COUNCIL,
as Local Planning Authority, GRANTED planning permission for the following development:-

Relaxation of condition 3 of planning consent 86/TP/1148
to allow full change of use of ground floor to restaurant
at 130/132 WOKINGHAM ROAD, READING

subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted.
2. The development hereby approved shall be carried out and completed in all respects in accordance with the submitted plans and details before the building(s) are occupied, except as may be subsequently agreed in writing by the Local Planning Authority.

see attached

REASONS FOR THE IMPOSITION OF CONDITIONS

Conditions:

1. To prevent an accumulation of unimplemented planning permissions, and in accordance with Section 41(1) of the Town and Country Planning Act, 1971.
2. To ensure the completion of the development in accordance with the approved plans and details before occupation of the building(s) takes place.

see attached

OTHER STATUTORY CONSENTS MAY BE REQUIRED; this permission relates only to that necessary under the Town and Country Planning Act, 1971.

Date: 21st August 1989

DIRECTOR OF TOWN AND COUNTRY
PLANNING AND TECHNICAL SERVICES

PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM

89/0768/FD

130/132 WOKINGHAM ROAD, READING

CONDITIONS/REASONS (continued)

3. The restaurant hereby permitted shall not operate between the hours of 23.00 and 09.00 the following day. Reason: in order to protect the amenities of neighbouring residential properties.
4. The areas shown on the submitted drawings reserved for the parking of vehicles shall be constructed, surfaced and marked out and kept available or used for such purposes at all times to the satisfaction of the Local Planning Authority. No development, whether or not permitted by the Town and Country Planning General Development Orders 1977-83 shall be carried out on such areas or in such a position as to restrict vehicular access to these reserved parking areas. Reason: as the development without the provision of off-street parking facilities would be likely to lead to vehicles parked on the public highway to the detriment of visual amenity and road safety.
5. The restaurant shall be used in conjunction with the hot food take-away at 134 Wokingham Road. Reason: as there are planning objections to the proposal but the circumstances represent an exceptional justification.

Date: 21st August 1989

M. G. K...

Director of Planning & Technical Services

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 1 NOVEMBER 2018

Hours the Premises are Open of the Public

Monday to Sunday

1100 hours until 0030 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, 1.7, 1.8, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 11.16 to 11.18 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 1.5, 7.15.1, 10.5.1, 15.1.1 and 15.3.1 of the Council's Statement of Licensing Policy.

Mr Jamshed Miah, former Premises Licence Holder and Mr Mouadjul Miah, new Premises Licence Holder, were both present and answered questions and they were represented by their solicitor, Mr Jon Payne, who addressed the Sub-Committee on their behalf.

Lee-Ann Evanson, Home Office Immigration Enforcement, was present at the meeting and addressed the Sub-Committee on the application. Peter Narancic, Licensing Enforcement Officer, Reading Borough Council, PC Simon Wheeler, Thames Valley Police and Declan Smyth, Thames Valley Police, were all present at the meeting and addressed the Sub-Committee on their representations.

Resolved -

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 1 NOVEMBER 2018

That having reviewed the Premises Licence in respect of Miah's Garden of Gulab, 130-134 Wokingham Road, and having had regard to the four licensing objectives, the oral and written representations made, the Secretary of State's guidance as set out in the report and the Council's Statement of Licensing Policy as set out in the report, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the employment of illegal workers, as outlined in the review application;
- (b) that the Premises Licence Holder had not produced any employment records at the time of the inspection or thereafter;
- (c) that the Premises Licence Holder had not shown any evidence that the business undertook any employment or right to work checks for any staff, past or present, despite claiming that they had records from 2016;
- (d) the practice of using trial working periods in advance of checking an individual's employment/right to work status;
- (e) the Premises Licence Holders not being able to state whether individuals were employed or self-employed, again demonstrating a lack of proper documentation.

(The meeting started at 4.32pm and finished at 7.03pm)

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 8 NOVEMBER 2018

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

15. APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE - MIAH'S GARDEN OF GULAB

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Mouadjul Miah for the transfer of the Premises Licence in respect of Miah's Garden of Gulab, 130-134 Wokingham Road, Reading, RG6 1JL.

The report stated that there was currently a Premises Licence in force and the following licensable activities were permitted:

Performance of Live Music

Monday to Sunday 1100 hours until 0030 hours

Playing of Recorded Music

Monday to Sunday 1100 hours until 0100 hours

Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0030 hours

Hours for the Sale by Retail of Alcohol

Monday to Sunday 1100 hours until 0030 hours

Good Friday 1200 hours until 2330 hours

Christmas Day 1200 hours until 2330 hours

New Year's Eve from the end of permitted hours for that day to the start of the permitted hours the following day

Hours the Premises are Open of the Public

Monday to Sunday 1100 hours until 0030 hours

The application had been made to transfer the premises licence from Mr Jamshed Miah to Mr Mouadjul Miah. A copy of the application form was attached to the report at Appendix RF1.

A representation regarding the application had been received from Thames Valley Police, which was attached to the report at Appendix RF2.

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 set out paragraphs 5.22 to 5.24 of the Council's Statement of Licensing Policy.

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 8 NOVEMBER 2018

The report also set out paragraphs 1.5, 2.1, 2.6, 8.101, 8.102, 9.11, and 9.12 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2018.

Mr Mouadjul Miah, the applicant, and Mr Jamshed Miah, were both present and were represented by their solicitor, Mr Jon Payne, who addressed the Sub-Committee on their behalf.

PC Simon Wheeler and Declan Smyth, Licensing Officer, Thames Valley Police, were both present. PC Simon Wheeler addressed the Sub-Committee on the representation regarding the application as stated in the report.

Resolved -

That, in order to promote 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 application for the transfer of the Premises Licence in respect of Miah's Garden of Gulab, be refused for the following reasons:

- (a) the applicants inexperience of running such a business did not give the Sub-Committee confidence that the licensing objectives would be promoted;
- (b) the Sub-Committee were concerned that Mr Jamshed Miah would continue as the Designated Premises Supervisor;
- (c) the Sub-Committee believed that Mr Jamshed Miah would still be actively involved in the business and would influence the applicant who has very limited experience, despite the signed declaration to the contrary.

(The meeting started at 9.30am and finished at 10.40am)

ATTENDANCE NOTE

**Jamshed Miah -v- Reading BC (appeal against licence revocation)
Mouadjul Miah -v- Reading BC (appeal against refusal to transfer licence)**

24-25.06.19 – Reading Magistrates’ Court

Coram – lay justices x 3

Contra – Mr Rennick on 24 June, Mr Payne on 25 June.

24.06.19

1. In turn, J. Miah, Mr Fender, & M. Miah gave evidence. I call Mr Smyth. Remainder of Respondent’s witness evidence accepted.
2. I made short closing submissions, as did Mr Rennick.

25.06.19

3. Magistrates reject the appeal of Jamshed Miah. As a consequence the licence is revoked and there is nothing to transfer to M. Miah, thus his appeal also fails.
4. After hearing submissions from both sides magistrates order that Jamshed Miah pays the full costs of Reading BC, namely £7,164.50. This, as per the usual practice in such cases, is an *inter parte* order and will need to be enforced in the County Court if agreement re payment terms cannot be agreed with Jamshed Miah.



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5. Copies were made of the justices' hand-written reasons. I handed my copy to Mr Masson and asked him to pass them to my instructing solicitor.
6. Please contact me if I can be of any further assistance.

Syan Ventom
12 CP Barristers
Southampton
25.06.19



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Home / Berkshire / Reading

Crime and Safety in Reading

Page highlights:

[Recent Crime Data >](#)

[Violent Crime Map >](#)

[Historical Crime Rates >](#)

[Crime Compared >](#)

Reading is the most dangerous city in Berkshire, and is among the top 10 most dangerous overall out of Berkshire's 107 towns, villages, and cities. The overall crime rate in Reading in 2022 was 93 crimes per 1,000 people. This compares poorly to Berkshire's overall crime rate, coming in 14% higher than the Berkshire rate of 82 per 1,000 residents. For England, Wales, and Northern Ireland as a whole, Reading is the 26th safest city, and the 948th most dangerous location out of all towns, cities, and villages.


In December 2022, Reading had the worst crime rate in Berkshire for bicycle theft, with 31 crimes reported and a crime rate of 0.12 per 1,000 inhabitants. December 2022 was also a bad month for Reading residents, when it was Berkshire's most dangerous area for burglary, recording 131 crimes at a rate of 0.51 per 1,000 residents. Reading recorded 129 reports of criminal damage and arson during December 2022, making its crime rate of 0.50 the worst for criminal damage and arson in Berkshire that month.

The most common crimes in Reading are violence and sexual offences, with 9,702 offences during 2022, giving a crime rate of 38. This is 6% higher than 2021's figure of 9,148 offences and a difference of 2.14 from 2021's crime rate of 35. Reading's least common crimes are possession of weapons, with 158 offences recorded in 2022, a decrease of 18% from 2021's figure of 192 crimes.

Reading 2023 Crime Scorecard

↑ **Most Dangerous**
Cities, Berkshire

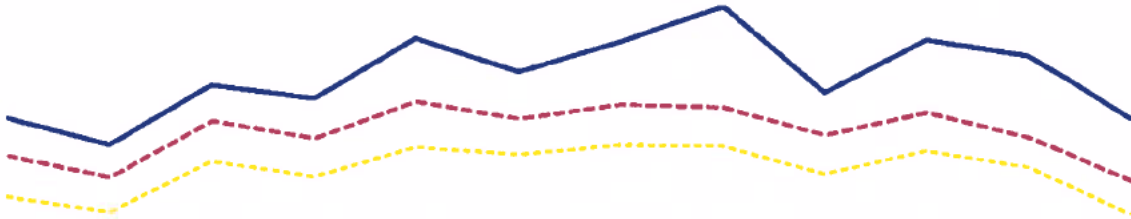
↑ **23% higher**, regional crime rate
South East

 **13% higher**, national crime rate
England, Wales & NI

Local Crime in Context

As of 2023, the crime rate in Reading is 23% higher than the South East and 13% higher than the England, Wales & Northern Ireland overall figure.

Reading Crime Rate Over Time



Reading Crime Map

Incidents mapped in Reading represent the time frame between September 2020 and August 2023. Each point on the map represents an area where crimes have been recorded locally.

Use Crime Map

Hover over a point to see a breakdown of crime types recorded at that location. You can also filter by individual crime types, or use a combinations of offences to visualize the data you need.

[Open Crime Map](#)

Incident key:

Low

Medium

High

Home Security & Burglar Alarms

The first line of defence against burglary and crime is an alarm system. Get a free quote from a trusted local installer and find out what your CCTV or security system options are today.

[Get Free Quote](#)



Historical Crime Rates for Reading

Year ▲ ▼	Crime Rate per 1,000 people ▲ ▼	Total Crimes ▲ ▼
2022	93	24,069
2021	84	21,582
2020	74	19,105
2019	71	18,332
2018	72	18,529
2017	68	17,531
2016	60	15,588

Crime in Reading Compared To Berkshire

Crime Prevention in Reading

STOP BICYCLE THEFT



Reading is currently experiencing a bicycle theft rate that is higher than the overall Berkshire area. Browse through our practical **tips on preventing bicycle theft** for insights on tackling this issue.

BURGLARY AND HOME SECURITY



Burglary rates in Reading are unfortunately higher than Berkshire's average. Learn more about protecting your home by reading our **home security advice**.

CUTTING CAR CRIME



Compared to the wider Berkshire area, Reading is seeing an uptick in car-related crimes. Explore our advice on **car crime prevention** for ideas on managing this situation.

Are you researching this topic for an article or project?

We're available to answer questions about crime data and can supply custom data to support your work.

Questions & Requests

Email us directly

Support@crimerate.co.uk

Summary of Crimes in Reading This Year

Crime	Reading		Berkshire		Rate Difference
	Count	Rate	Count	Rate	
Anti-Social Behaviour	2,348	9.08	7,876	8.61	↓ 5% more dangerous
Bicycle Theft	979	3.79	2,140	2.34	↓ 62% more dangerous
Burglary	1,151	4.45	3,163	3.46	↓ 29% more dangerous
Criminal Damage and Arson	2,031	7.86	6,879	7.52	↓ 4.5% more dangerous
Drugs	562	2.17	1,818	1.99	↓ 9% more dangerous
Other Crime	370	1.43	1,200	1.31	↓ 9% more dangerous

Crime	Reading		Berkshire		Rate Difference
	Count	Rate	Count	Rate	
Other Theft	2,277	8.81	6,602	7.21	↓ 22% more dangerous
Possession of Weapons	158	0.61	533	0.58	↓ 5% more dangerous
Public Order	2,903	11.23	9,161	10.01	↓ 12% more dangerous
Robbery	230	0.89	551	0.60	↓ 48% more dangerous
Shoplifting	1,684	6.52	4,196	4.58	↓ 42% more dangerous
Theft From the Person	518	2.00	1,298	1.42	↓ 41% more dangerous
Vehicle Crime	1,504	5.82	6,033	6.59	↑ 12% safer
Violence and Sexual Offences	9,702	37.54	31,041	33.91	↓ 11% more dangerous

Crime Types in Reading by Year

Crime Over Time in Reading

View crime percentage over time for

Anti-Social Behaviour 

Recent Crimes in Reading

These are the top 20 most recent crime reports in Reading.

Date	Crime Type	Location	Outcome
August 2023	Public order	On or near Bucknell Close	Unable to prosecute st
August 2023	Violence and sexual offences	On or near Wyncote Close	Unable to prosecute st
August 2023	Violence and sexual offences	On or near Wyncote Close	Unable to prosecute st
August 2023	Violence and sexual offences	On or near Wyncote Close	Unable to prosecute st
August 2023	Public order	On or near Auckland Road	Unable to prosecute st
August 2023	Violence and sexual offences	On or near Erleigh Court Gardens	Unable to prosecute st
August 2023	Violence and sexual offences	On or near Meadow Road	Action to be taken by a
August 2023	Violence and sexual offences	On or near Walton Close	Unable to prosecute st
August 2023	Criminal damage and arson	On or near Walton Close	Unable to prosecute st
August 2023	Public order	On or near Sandringham Way	Unable to prosecute st
August 2023	Public order	On or near Fawcett Crescent	Investigation complete
August 2023	Violence and sexual offences	On or near Rickman Close	Unable to prosecute st
August 2023	Shoplifting	On or near Petrol Station	Unable to prosecute st
August 2023	Shoplifting	On or near Petrol Station	Investigation complete
August 2023	Shoplifting	On or near Petrol Station	Unable to prosecute st
August 2023	Other theft	On or near Petrol Station	Investigation complete

Date	Crime Type	Location	Outcome
August 2023	Criminal damage and arson	On or near Lancaster Gardens	Investigation complete
August 2023	Shoplifting	On or near Shepherd'S House Lane	Investigation complete
August 2023	Shoplifting	On or near Shepherd'S House Lane	Investigation complete
August 2023	Criminal damage and arson	On or near Fordham Way	Unable to prosecute si

Reading Crime Trends

Crime Rate Per 1,000 Residents

Crime	2019	2020	2021	2022	Trend
Anti-Social Behaviour	11	12	11	9	↑ Safer
Bicycle Theft	3.1	3.0	2.4	3.8	↓ Getting worse
Burglary	4.1	4.2	3.4	4.4	↑ Safer
Criminal Damage and Arson	8	8	7	8	↑ Safer
Drugs	2.6	3.1	3.2	2.2	↑ Safer
Other Crime	1.3	1.4	1.2	1.4	↓ Getting worse
Other Theft	7	6	7	9	↓ Getting worse
Possession of Weapons	0.76	0.75	0.74	0.61	↑ Safer

Crime Rate Per 1,000 Residents

Crime	2019	2020	2021	2022	Trend
Public Order	4.0	6	11	11	↓ Getting worse
Robbery (inc. mugging)	1.1	1.0	0.70	0.89	↑ Safer
Shoplifting	4.8	3.8	4.4	7	↓ Getting worse
Theft From the Person (inc. pickpocketing)	1.7	1.2	1.5	2.0	↓ Getting worse
Vehicle Crime	6	7	5	6	↑ Safer
Violence and Sexual Offences	26	30	35	38	↓ Getting worse

Offences in Reading's Green Spaces

We only display green spaces in Reading that are named, and have had crimes recorded within their boundaries during 2022.

Name ▲ ▼	ASB ▲ ▼	Drugs ▲ ▼	Public Order ▲ ▼	Robbery ▲ ▼	VSO ▲ ▼	All Ot
Coley Recreation Ground	1	-	-	-	-	
Cotswold Recreation Ground	-	-	1	-	-	
Maiden Erleigh Park	2	-	-	-	-	

Name ▲ ▼	<u>ASB</u> ▲ ▼	Drugs ▲ ▼	Public Order ▲ ▼	Robbery ▲ ▼	<u>VSO</u> ▲ ▼	All Ot
Mapledurham Playing Fields	-	-	-	-	1	
Meadway Recreation Ground	4	-	-	-	7	
Robert Hewett Recreation Ground	3	1	-	-	1	
South Lake Park	-	-	1	-	1	
Spring Gardens Recreation Ground	-	-	-	-	4	
Victoria Recreation Ground	2	-	-	-	4	

Comparing Reading to the UK's Major Cities

City ▲ ▼	Crime Rate ▲ ▼	Rate Difference ▲ ▼
Barnet	69.64	↑ 25% safer
Croydon	86.13	↑ 8% safer
Reading	93.13	-

City ▲ ▼	Crime Rate ▲ ▼	Rate Difference ▲ ▼
Bristol	97.73	↓ 4.9% more dangerous
Sheffield	102.73	↓ 10% more dangerous
Coventry	110.65	↓ 19% more dangerous
Leicester	127.77	↓ 37% more dangerous
Liverpool	140.93	↓ 51% more dangerous
Birmingham	145.38	↓ 56% more dangerous
Bradford	159.33	↓ 71% more dangerous
Leeds	172.39	↓ 85% more dangerous

Crime in Reading's Neighbourhoods

Reading Central is the most dangerous neighbourhood in Reading, followed by Norcot South in second place, and Southcote as the third most dangerous area. Reading's safest neighbourhoods are, in order, Caversham Emmer Green, Caversham Heights, and Southlake. These neighbourhoods are Middle layer Super Output Areas (MSOA) with names.

Neighbourhood ▲ ▼	Crime Count ▲ ▼	Crime Rate ▲ ▼	Danger Rank ▲ ▼
Calcot South	243	44	18th
Caversham Balmore Park	585	73	13th
Caversham Emmer Green	223	30	22nd
Caversham Heights	158	22	23rd

Neighbourhood ▲ ▼	Crime Count ▲ ▼	Crime Rate ▲ ▼	Danger Rank ▲ ▼
Coley Park	710	82	12th
Earley	491	50	17th
Leighton Park	1,017	106	Fifth
Lower Caversham	684	87	Tenth
Lower Earley North	372	37	20th
Lower Earley South	400	51	16th
Norcot North	766	96	Eighth
Norcot South	1,063	117	Second
Palmer Park	1,021	97	Seventh
Reading Central	5,508	375	First
Sonning & Woodley North	300	39	19th
Southampton Street & Redlands Road	1,145	110	Fourth
Southcote	974	113	Third
Southlake	311	36	21st
Tilehurst North	481	64	14th
Tilehurst South	703	95	Ninth

Neighbourhood ▲ ▼	Crime Count ▲ ▼	Crime Rate ▲ ▼	Danger Rank ▲ ▼
Whitley Wood	752	106	Sixth
Wokingham Road	672	82	11th
Woodley South	443	61	15th

Crime Over Time for Reading's Neighbourhoods

View crime percentage over time for

Anti-Social Behaviour ▼

Reading Neighbourhood Crime Breakdown

Showing the safest and most dangerous parts of Reading for specific criminal activity, with crime count and rate shown in brackets.

Crime Type	Safest Neighbourhood	Most Dangerous Neighbourhood
Anti-Social Behaviour	Caversham Emmer Green (16)	Southcote (212)
Bicycle Theft	Caversham Emmer Green (2)	Reading Central (412)
Burglary	Southlake (5)	Reading Central (171)
Criminal Damage and Arson	Caversham Heights (18)	Reading Central (338)
Drugs	Southlake (2)	Reading Central (158)
Other Crime	Calcot South (2)	Reading Central (71)
Other Theft	Caversham Heights (12)	Reading Central (543)
Possession of Weapons	Tilehurst North (1)	Reading Central (44)
Public Order	Caversham Heights (10)	Reading Central (756)
Robbery (inc. mugging)	Southlake (1)	Reading Central (77)
Shoplifting	Southlake (1)	Reading Central (648)
Theft From the Person (inc. pickpocketing)	Caversham Emmer Green (1)	Reading Central (240)
Vehicle Crime	Woodley South (12)	Reading Central (192)
	Caversham Heights (71)	Reading Central (1,858)
Violence and Sexual Offences		

Crime Type

Safest Neighbourhood

Most Dangerous Neighbourhood

Crime in Reading During Coronavirus Lockdowns

Looking at the months the UK was in lockdown in 2020 due to Covid-19, how did crime rates in Reading change compared to the same month in 2019? The biggest increase in lockdown crime came in October, when Reading saw a 122% increase in possession of weapons. Reading saw a large fall in theft from the person during August, when it fell by 76% compared to August in 2019. Other Theft saw a fall in every month of Reading's lockdown.

Crime	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Anti-Social Behaviour	-3%	0%	-7%	-11%	+6%	+13%	+5%	+4%	+2%
Bicycle Theft	+34%	-29%	-42%	+27%	+13%	+17%	+1%	-44%	-1%
Burglary	+15%	+13%	+6%	+16%	+5%	+13%	+14%	-19%	-1%
Criminal Damage and Arson	-6%	-20%	-18%	-6%	+10%	+3%	-10%	-24%	-2%
Drugs	+21%	-22%	+2%	+41%	+35%	+29%	+36%	-16%	+7%
Other Crime	-22%	-11%	+7%	-9%	+17%	+3%	+32%	+48%	+2%
Other Theft	-15%	-57%	-20%	-31%	-22%	-44%	-20%	-7%	-8%
Possession of Weapons	-48%	-44%	+80%	+6%	+45%	+26%	+100%	+122%	-5%

Crime	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Public Order	-19%	-10%	+30%	+27%	+26%	+33%	+61%	+51%	+8%
Robbery	-20%	-30%	+41%	-17%	+38%	-12%	+26%	-65%	+2%
Shoplifting	-31%	-60%	-46%	-32%	+1%	-18%	+11%	+9%	-3%
Theft From the Person	+19%	-57%	-43%	-54%	-38%	-76%	-18%	+7%	-17%
Vehicle Crime	+9%	-12%	-24%	-10%	-19%	+14%	+29%	+102%	+8%
Violence and Sexual Offences	+27%	-3%	+8%	-7%	+16%	+37%	+9%	+9%	+3%

Frequently Asked Questions About Crime in Reading

What police force serves Reading?

Reading's local territorial police force is the Thames Valley Police.

How dangerous is Reading?

Reading is the most dangerous city in Berkshire.

What is Reading's most common crime?

The most common crimes in Reading are violence and sexual offences.

What is the least common crime in Reading?

Reading's least common crimes are possession of weapons.

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Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref: Gulab Dining, 130-134 Wokingham Road Reading Berkshire RG6 1JL Date: 8th January 2024

Subject :

Objection

To whom it may concern

I Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted by GM RESTAURANTS LTD in relation to Gulab Dining, 130-134 Wokingham Road Reading Berkshire RG6 1JL as it is believed that this application in its current format will undermine the four licensing objectives with specific regard to that of the prevention of crime & disorder.

The proposal before the Sub-Committee is for:

- Recorded music - Monday to Sunday 23:00-00:00
- Late night refreshment - Monday to Sunday 23:00-00:30
- Supply of Alcohol (Both) - Monday to Sunday 11:00-00:30
- Hours Premises Open To The Public - Monday to Sunday 11:00-01:00

The Premises Licence for this site was revoked on 1st November 2018 by the Reading Borough Council's Licensing Sub-Committee. The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence, outlining a visit to the premises on 13th May 2018 when the premises had been found employing illegal workers. The visit had been carried out following a referral from the Slough Modern Slavery Sub-Group. A total of 5 illegal workers had been found on the premises, none of whom had a right to work in the UK.

The report also stated that during the visit on the 13th May 2018 the Reading Borough Council Licensing Team had found there to be a lack of licensing compliance, best practice procedures or any evidence that the licensing objectives were being actively promoted.

On the 16th June 2018 when Home Office Immigration & Compliance enforcement team attended another of this companies premises – Miah's Of Pangbourne, 26 Reading Road, Pangbourne. At this location three males were identified as illegal or overstayers and therefore not entitled to work in this Country. Again this undermines the licensing Objective of preventing Crime and Disorder.

On 10th August HM ICE team attended the premises Miah's Spencers Wood, Tankerton House, Basingstoke Road, Spencers Wood. There were ten persons on the premises. Of these upon carrying out the necessary checks it was discovered that four persons working within the kitchen were illegal immigrants and therefore under the law not entitled to work and were arrested and detained. Even after the previous two events the company have gone on to employ further illegal workers.

A transfer request had been made by the Premises Licence Holder Mr Jamshed Miah to transfer the Premises Licence onto Mr Mouadjul Miah whom is his son. This had been objected to by Thames Valley Police on the grounds of the exceptional circumstances brought about by the direct links between them which on the balance of probability are likely

to undermine the licensing objectives. On 8th November 2018 the Reading Borough Council's Licensing Sub- Committee refused this application.

Of course due to the history of this site and nature of the previous incidents leading to that review and the refusal of a transfer it is imperative that these criminal activities and wholesale failures are not repeated.

In June 2018 District Judge Julie Cooper at Camberwell Green Magistrates Court regarding Peckham Food & Wine v London Borough of Southwark upheld the decision of the London Borough of Southwark to revoke a convenience store's premises licence following allegations of illegal workers being employed.

The Council argued, in reliance on Griffiths LJ's observations in *R v Knightsbridge Crown Court ex p International Sporting Club (London) Ltd* [1982] 1 QB 304, *that it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply transferring the licence into someone else's name or selling the business when they got caught and so, effectively, get away with it. The deterrent effect of licensing enforcement would be lost and licensing authorities are right to take a robust stance against such transfers, particularly those which appeared to be a ruse.*

The concern of Thames Valley Police is that this application has been made in an attempt to circumvent the legal process and if granted will likely lead to the continuation of poor practice and a failure to uphold the licensing objectives.

Prior to this application Thames Valley Police can confirm that no contact has been received from the applicant in relation to this application in order to discuss any concerns which we may have had in relation to this and to determine any information that could have been supplied relating to our advice on local issues.

Paragraph 8.46 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states "While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application."

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

In Conclusion Thames Valley Police strongly feel that this application in its current format and without further scrutiny is likely to undermine the licensing objectives, due to its failure to address sufficient conditions within the operating schedule that would provide reassurance that the failings of this family run business are not repeated.

Case law within the East Lindsey District Council v Abu Hanif establishes:-

“Importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of the prevention and deterrence”

Therefor in this situation we would state our opinion that the licensing objectives are prospective and can be preventative and would urge the Licensing Sub-Committee to refuse this application for a premises licence in order to prevent the licensing objectives from being undermined.

Declan Smyth
Licensing Officer (Reading)
Thames Valley Police

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