

# **LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES**

## **19 JUNE 2025**

Present: Councillors Woodward (Chair), Tarar (Vice-Chair) and Dennis.

### **8. MINUTES**

The Minutes of the meetings held on 15 and 22 May 2025 were confirmed as correct records and signed by the Chair.

### **9. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - DRINKS 4 U, 36 MARKET PLACE, READING, RG1 2DE**

The Sub-Committee considered a report on an application by Thames Valley Police for the review of the premises licence in respect of Drinks 4 U, 36 Market Place, Reading, RG1 2DE.

The report stated that the application for a review of the premise licence had been submitted by Thames Valley Police who were a named responsible authority under the Licensing Act 2003. The application had been submitted to prevent the further undermining of all four licensing objectives, namely:

- the Prevention of Crime and Disorder;
- the Protection of Children from Harm;
- the Prevention of Public Nuisance and;
- Public Safety.

A copy of the application to the review premises licence was attached to the report at Appendix LIC-1. The application recommended the revocation of the premise licence and had been submitted by Thames Valley Police in order to address the failure of the premise licence holder to promote the four licensing objectives. The report stated that the deliberate and knowledgeable receiving of stolen goods, sales of illegal cigarettes and the employment of an illegal worker by the premise licence holder had led to the application for the review of the premises licence. Other reports submitted by relevant responsible authorities under the Licensing Act 2003 identified various other breaches of licence conditions and contained information on a failed alcohol age test purchase.

The report stated that the premises currently benefited from a premises licence that had first been granted on 29 August 2022 and that authorised the Sale by Retail of Alcohol (Off Sales), Monday to Sunday from 0800hrs until 2300hrs with the premises open to the public between 0800hrs and 2300hrs. On 24 June 2024 the premises licence had been transferred to the current premises licence holder who was also the Designated Premises Supervisor (DPS). A copy of the current premises licence was attached to report at Appendix LIC-2.

During the 28-day consultation period, valid representations had been received from the following Responsible Authorities:

- Suraj Prashar, Immigration Enforcement Licensing Compliance Team – attached at Appendix LIC-3

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- Ian Savill, Principal Trading Standards Officer, Reading Borough Council – attached at Appendix LIC-4
- Robert Smalley, Licensing Enforcement Officer, Reading Borough Council – attached at Appendix LIC-5

A further two valid representations had been received in support of the premises from interested parties and were attached to the report at Appendix LIC-6 and Appendix LIC-7.

The report explained that in determining the application for review the Sub-Committee had a duty as the Licensing Authority to carry out its functions with a view to promoting the four Licensing Objectives. The Licensing Authority must also have regard to the representations received, its Statement of Licensing Policy and to any relevant sections of the Statutory Guidance issued to licensing authorities. Furthermore, in determining the review application, the Sub-Committee could take such of the following steps it considered appropriate and proportionate for the promotion of the Licensing Objectives:

1. Take no further action;
2. To issue formal warnings to the premises supervisor and/or premise licence holder;
3. Modify the conditions of the licence (including but not limited to hours of operation of licensable activities);
4. Exclude a licensable activity from the scope of a licence;
5. Remove the designated premises licence supervisor;
6. Suspend the licence for a period not exceeding three months;
7. Revoke the licence.

Where the Sub-Committee took a step mentioned in the third and fourth 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, 1.6, 3.2, 3.10, 4.15, 5.13 5.15, 6.11 to 6.18, 7.13, 9.12, 9.13, 9.15, 9.16, 9.18, 9.20 and 9.21 of the Council's Statement of Licensing Policy. The report also set out paragraphs 1.2, to 1.5, 1.7, 1.8, 2.28, 9.12, 9.13, 9.42, 9.43, 11.1, 11.2, 11.10, 11.16 to 11.18, 11.25 of the Amended Guidance issued under Section 182 of the Licensing Act 2003. The report also referred to other legislation and relevant case law for consideration.

Following the circulation of the agenda, the following Additional Information had been received and circulated to members of the Sub-Committee and to all relevant parties:

1. Additional Information - submitted by the premises licence holder, that included a Statement of the Premises Licence Holder, photocopies of pages from the sales refusal log and copies of licensing training certificates issued to employees working at the premises.
2. Additional Information (2) – submitted by the Council's Licensing Team, that included two letters detailing the outcomes of inspections made by the Licensing Team on 29 May 2025 and 17 May 2025.

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Declan Smyth, Licensing Officer, Thames Valley Police, attended the meeting, he addressed the Sub-Committee on the review application that he had submitted on behalf of the Chief Constable of Thames Valley Police and asked and responded to questions.

Robert Smalley, Licensing Enforcement Officer, Reading Borough Council attended the meeting, addressed the Sub-Committee on the representation he had submitted and asked and responded to questions.

Ian Savill, Principal Licensing Enforcement Officer, Reading Borough Council and Tessa Brunsden, Community Alcohol Partnership Officer, Reading Borough Council, were present at the meeting. Ian Savill addressed the Sub-Committee on the representation he had submitted and asked and responded to questions.

Gurjeet Bajaj, the Premises Licence Holder and Designated Premises Supervisor, and his representative, Surendra Panchal, Personal Licence Courses UK Limited, were present at the meeting. Both addressed the Sub-Committee and asked and answered questions.

Tabitha Shaw, Licensing Enforcement Officer, Reading Borough Council, presented the report to the Sub-Committee.

#### **Resolved –**

- (1) That, having reviewed the premises licence in respect of Drinks 4 U, 36 Market Place, Reading, RG1 2DE, and having taken into consideration the Licensing Act 2003, the Secretary of State's Guidance issued under section 182 of that Act, the Council's Statement of Licensing Policy, and having considered the likely effect of imposing each of the options available to the Sub-Committee under the Secretary of State's Guidance upon the promotion of the four Licensing Objectives, and having read and considered the written reports and representations received from Thames Valley Police (the applicant), Reading Borough Council's Licensing and Trading Standards teams, the Home Office (Immigration Enforcement) Licensing Compliance Team and the two representations received from interested parties, and having read and considered the Additional Information documents submitted after the publication of the agenda by the premises licence holder and by the Council's Licensing Team, and having considered the oral representations made by those present at the meeting, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence;
- (2) That the Sub-Committee's reasons be noted as follows:
  - (a) The Sub-Committee found little to dispute concerning the factual background of the case put forward by the applicant and responsible authorities;
  - (b) The Sub-Committee noted that, on 23 August 2024, the premises had failed a Trading Standards test purchase operation during which alcohol had been sold to a 16-year old test purchaser;

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- (c) The Sub-Committee noted that on 5 February 2025, Thames Valley Police had attended the premises after a suspected shop lifter had been followed to the premises. A search of the premises had discovered two stolen jackets and a quantity of duty evaded cigarettes. The premise licence holder had been arrested on the suspicion of handling stolen goods.
- (d) The Sub-Committee noted that on 1 April 2025, Thames Valley Police officers had visited the premises to conduct a licence check. The premises licence holder had not been present. The sole worker present in the shop appeared to be under the influence of alcohol (the Sub-Committee did not make any findings as to whether they were in fact intoxicated). The same individual had not been able to prove their right to work in the UK and had claimed that they had not been working in the shop. Later checks had confirmed that they did not have the right to work in the UK. Following an investigation, the premises licence holder had admitted to Immigration Enforcement officers that the individual would help out in the premises in return for small sums of cash or food. The Sub-Committee were satisfied that the individual in question had been working at the premises and had been doing so illegally.
- (e) The Sub-Committee noted that, during the visit on 1 April 2025, police had discovered a further quantity of duty evaded cigarettes and cigars on the premises. Some had been located in the tobacco drawer in which tobacco that was for sale at the shop was stored. A further quantity was found at the back of the shop in a cardboard box located on top of the ice cream freezer, still within the public area of the premises, where access could have been obtained by members of the public, including children.
- (f) The Sub-Committee noted that on 10 April 2025 the premises had been visited by the Council's Licensing Team. The visit had taken place a short time after the police visit on 1 April 2025, when it might have been expected that the premises licence holder would have taken steps to ensure that the premises was compliant with its licence conditions. The inspection on 10 April 2025 discovered multiple breaches of licence conditions.
- (g) The Sub-Committee noted a further inspection by the Council's Licensing Team on 29 May 2025 had found that three breaches of licence conditions had not been rectified. The Sub-Committee also noted that a follow up inspection of the premises on 17 June 2025 had found no breaches of licence conditions.
- (h) The Sub-Committee noted that the premises licence holder had accepted that he had made some mistakes. The premises licence holder had accepted that the presence of duty evaded tobacco on the

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premises was his responsibility, although he had denied bringing the tobacco onto the premises and had denied that it was for sale. The Sub-Committee noted that it did not need to make a finding as to whether the tobacco was for sale or not, as paragraph 11.27 of the Secretary of State's Section 182 Guidance was engaged by the storage of smuggled tobacco on a licenced premises.

- (i) The Sub-Committee noted that the premises licence holder had accepted that he had not made any check of the individual's right to work but had also denied that the individual was an employee (although in his statement circulated to the Sub-Committee on 16 June 2025, the premises licence holder stated that he had terminated the employment of the individual). The Sub-Committee noted that the premises licence holder had said that he was no longer asking the individual to help out in the shop.
- (j) The Sub-Committee noted the points put forward by the premises licence holder, including the outcome of the most recent positive inspection by the Licensing Team on 17 June 2025 where no breaches of licence conditions had been found. The Sub-Committee also noted the copies of the refusal log and training certificates provided by the premises licence holder. The Sub-Committee noted that the premises licence holder had run a shop in Uxbridge between 2007 and 2012 without incident. The Sub-Committee noted the premises licence holder had offered to engage a new Designated Premises Supervisor, but no other details had been provided.
- (k) The Sub-Committee noted the case put forward by Thames Valley Police that pointed to poor working practices in the shop, together with numerous breaches of licence conditions. The Sub-Committee noted that no fewer than three types of serious criminal activity listed in Paragraph 11.27 of the Secretary of State's Section 182 Guidance had been evidenced in the case, including the sale of alcohol to minor, illegal working and storage of smuggled tobacco, the Sub-Committee noted that the Section 182 Guidance stated that Licensing Authorities should view such activity particularly seriously and should consider the revocation of the premises licence, even in the first instance.
- (l) The Sub-Committee viewed the case as being worrying, noting the multiple examples of criminal activity and numerous breaches of licence conditions. The Sub-Committee found that the licensing objectives had been seriously undermined.
- (m) The Sub-Committee viewed the Police's review application as being entirely justified. The Sub-Committee did not find the premises licence holder's explanation for the problems in the premises to be convincing and agreed with the responsible authorities that there had been a disregard for the responsibilities of a premises licence holder that was,

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at best, negligent. The Sub-Committee had no confidence that the carrying on of licensable activity at the premises would not lead to the licensing objectives being undermined in the future.

- (n) The Sub-Committee reminded itself that it had a duty to promote the licensing objectives and that, when deciding what steps, if any, it should take to protect the licensing objectives, it was not acting punitively but was performing a protective function.
- (o) The Sub-Committee considered all of the steps available to it and, given the severity of the problems at the premises, considered that it would not be appropriate to take no action or to issue a warning. The Sub-Committee noted that it would not be appropriate to modify the conditions of the existing licence given that a number of breaches of existing licence conditions had been reported. The Sub-Committee noted that, since there was only one licensable activity authorised by the premises licence, exclusion of that activity would have the same effect as revocation. The Sub-Committee did not consider the removal of the Designated Premises Supervisor (DPS) to be appropriate as the business was small and independently run and any replacement DPS would be an employee of the owner and current premises licence holder and would be under his direction and control. The Sub-Committee did not feel that a suspension of the premises licence would be appropriate as it had no confidence that the licensing objectives would not be undermined again after the expiry of any period of suspension.
- (p) The Sub-Committee noted that, given the seriousness of the case, the number of problems that there had been with the running of the premises, and the fact that the premises licence holder could not be described as an inexperienced licence holder, that it was both appropriate and proportionate to revoke the premises licence.

At the meeting the Chair advised the premises licence holder and other parties present that they would be informed of their right of appeal when they were sent a written copy of the Sub-Committee's full decision.

(The meeting started at 9.29 am and closed at 11.45 am)