

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 13 NOVEMBER 2018

Present: Councillors Woodward (Chair), and Maskell.

16. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - SIMPLY FRESH SUPERMARKET

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of Simply Fresh Supermarket, 236-240 Northumberland Avenue, Reading, RG2 7QA.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence due to a combination of immigration offences, criminal activity and multiple breaches of licence conditions that had been discovered during visits to the premises. The report detailed visits to the premises on 30 November 2017, 6 June 2018, and 17 August 2018. Immigration Enforcement had stated that two people had been encountered at the premises on 6 June 2018 who had no permission to work in the UK.

The application sought for the Premises Licence to be revoked as the only appropriate and proportionate step to promote the licensing objectives and safeguard the public.

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

The report stated that representations had been received from Thames Valley Police and the Home Office Immigration Service, which were attached to the report at Appendix II and III.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix IV.

The report stated that the Premises Licence Holder was Simply Fresh Supermarkets Limited, the sole director of which was Mr Amar Singh.

The current Premises Licence, a copy of which was attached to the report at Appendix V, permitted the following:

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

Monday to Saturday	0800 hours until 2300 hours
Sunday	1000 hours until 2230 hours
Good Friday	0800 hours until 2230 hours
Christmas Day	1200 hours until 1500 hours and 1900 hours until 2230 hours

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

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

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The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.5, 1.7, 1.8, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 11.10, 11.16 to 11.18 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 Amar Singh, the Premises Licence Holder, was present at the meeting and was represented by Mr Duncan Craig, barrister, both of whom addressed the Sub-Committee. Mr Surendra Panchal, Personal Licence Courses Ltd, was also present at the meeting.

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

Resolved -

That, having reviewed the Premises Licence in respect of Simply Fresh Supermarket, 236-240 Northumberland Avenue, and having regard to the promotion of the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance, as set out in the report, the Council's Statement of Licensing Policy, as set out in the report, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence in respect of Simply Fresh Supermarket for the following reasons:

- (a) The presence of illegal workers on the premises, as described in the report;
- (b) The breaches of employment law;

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- (c) The breaches of licensing conditions, in particular those regarding the sale of alcohol;
- (d) The failure to communicate with relevant officers as advice and warnings had been ignored;
- (e) Mr Singh accepted that he had not made the necessary employment checks and admitted that the workers had been employed illegally;
- (f) The Sub-Committee had no confidence that a period of suspension, as suggested by the Premises Licence Holder's representative, would be used to put the business in order as this hadn't happened in the 11 months since the first visit to the premises, despite communications from Reading Borough Council Licensing Team to do so;
- (g) The Designated Premises Supervisor did not appear to have day to day control over alcohol sales;
- (h) The Premises Licence Holder accepted that the 21 breaches of licensing conditions outlined in the report had occurred.

(The meeting started at 4.59pm and finished at 6.48pm)