

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 1 NOVEMBER 2018

Present: Councillors Woodward (Chair), Maskell and Rowland.

14. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - MIAH'S GARDEN OF GULAB

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

The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence, outlining a visit to the premises on 13 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 13 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.

The application sought for the Premises Licence to be revoked due to the seriousness of the crimes discovered at the premises.

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

The report stated that representations had been received from the responsible authorities of Reading Borough Council Licensing Team and Thames Valley Police, which were attached to the report at Appendix II and III.

The report stated that the Premises Licence Holder was Mr Jamshed Miah. It was reported at the meeting that an application had been made on 10 October 2018 to transfer the premises licence to Mr Mouadjul Miah. The current Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

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

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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 -

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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)