

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 16 MARCH 2021

Present: Councillors Edwards (Chair), Rynn and Skeats.

6. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 8 and 22 December 2020 were confirmed as a correct record.

7. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - OXFORD FOOD AND WINE, 512 OXFORD ROAD, READING

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application made by Thames Valley Police on 27 January 2021 for the review of a Premises Licence in respect of Oxford Food and Wine, 512 Oxford Road, Reading, RG30 1EG.

The review had been requested due to concerns that Mr Sinniah, the Premises Licence Holder, had failed to promote the licensing objectives as the Premises Licence Holder and a number of staff had been complicit in the handling of stolen goods by buying alcohol stolen from other stores in Reading.

A copy of the review application form and appendices were attached to the report at Appendix DF1.

During the 28-day consultation period for the application, representations had been received from Reading Borough Council, which were attached to the report at Appendix DF2.

A copy of the current Premises Licence was attached at Appendix DF3, which authorised the following licensable activities:

Sale of Alcohol by Retail (Off the Premises)

Monday to Sunday from 0800hrs until 2300hrs

The Sub-Committee also considered additional written and CCTV information submitted by Thames Valley Police and Kubitha Kubendran, Greater London Solicitors Ltd, the representative of the Premises Licence Holder.

The report stated that in determining the review 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 further stated 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. Furthermore, in determining the application, the Licensing Authority could take such of

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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 1.2 to 1.5, 1.7, 1.8, 9.11, 9.42, 9.43, 11.2 and 11.16 to 11.18 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report set out paragraphs 1.6, 3.2, 9.12, 9.13, 9.15, 9.16, 9.18, 9.20 and 9.21 of the Council's Statement of Licensing Policy.

Ms Saba Naqshbandi, Barrister, Three Raymond's Buildings, represented Thames Valley Police at the meeting and addressed the Sub-Committee on the review application. Simon Wheeler and Declan Smyth of Thames Valley Police also attended the meeting.

Robert Smalley, Licensing Enforcement Officer attended the meeting and addressed the Sub-Committee on behalf of Reading Borough Council as a Responsible Authority.

Mr Richard Hanstock, Barrister, Cornerstone Barristers, attended the meeting and addressed the Sub-Committee, and was accompanied by Mr Thinesh Sinniah, Premises Licence Holder who responded to questions.

Dan Fundrey, Licensing Enforcement Officer, presented the report at the meeting.

Resolved -

In considering the written and oral representations, the Licensing Applications Sub-Committee 1 considered the importance of the licensing objectives, the conditions put forward by the Reading Borough Council Licensing Team, and Thames Valley Police's request for a revocation of the licence. The Sub-Committee considered what they had heard and how appropriate and proportionate the conditions put forward by Reading Borough Council were to promoting the licensing objectives as opposed to a complete revocation of the licence. They also considered Reading Borough Council's statement of licensing policy and the statutory guidance made under the Licensing Act 2003, as stated above.

The Sub-Committee found that the issues caused within the vicinity of the premises as set out in the papers showed that there were levels generally of crime and disorder within the area. There was sufficient evidence of failings under the licensing objectives to warrant revocation of the licence

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The Sub- Committee considered a tightening of the conditions could improve the situation at the premises but considered from what they had read and heard that they had no confidence in Mr Sinniah to actually comply with what he was required to do. He had known it was wrong to purchase stolen alcohol yet continued to do so on 84 occasions, not 16 as each bottle was considered an occasion. The Sub Committee found there had been management failings and breaches of conditions on behalf of the Premises Licence Holder and although this had resulted in compliance with those conditions, this was always after the event. The Sub-Committee considered the Premises Licence Holder had a responsibility under the Licensing Act 2003 to not undermine the licensing objectives and the wrongdoing of receiving stolen alcohol and selling it on was not upholding the licensing objectives. The Sub-Committee had no confidence in the Premises Licence Holder to uphold the licensing objectives as he had purchased stolen alcohol because it was cheap without any consideration of the impact on other businesses or indeed within the area in fuelling crime and disorder for drug users. The Sub-Committee did not consider he would in fact fulfil the licensing conditions if applied or genuinely work with the licensing authorities or police to fulfil his obligations. His controlling influence in the business would hamper compliance and he had not shown he had complied with the conditions of his caution in sending a written apology to Marks & Spencer or complying with the fire risk assessment requirements. The licence was therefore revoked.

(The meeting started at 9.32 am and finished at 11.54 am)