

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 18 DECEMBER 2018

Present: Councillors Maskell (Vice-Chair in the Chair), and Rowland.

23. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE BOTANIST

The Head of Planning, Development and Regulatory Services submitted a report on an application by New World Trading Company (UK) Limited for the variation of the premises licence in respect of The Botanist, Unit 1, 1-5 King Street, Reading, RG1 2HB.

It was reported at the meeting that the applicant had withdrawn their application.

24. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - MOMO HOUSE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Thir Bahadur Gurung for the grant of a premises licence in respect of Momo House, 28 Farnham Drive, Caversham, Reading, RG4 6NY.

The report stated that there was currently no premises licence in force at the premises. The previous premises licence had been revoked by Licensing Applications Sub-Committee 1 on 24 October 2017 (Minute 14 refers).

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

Hours for the Sale of Alcohol (on the premises)

Sunday to Thursday	1000 hours until 0000 hours
Friday and Saturday	1000 hours until 0100 hours

Opening Hours

Sunday to Thursday	1000 hours until 0000 hours
Friday and Saturday	1000 hours until 0100 hours

A copy of the application was attached to the report at Appendix 1.

The report stated that representations had been received from Reading Borough Council Licensing Team, Thames Valley Police, and Reading Borough Council Environmental Protection and Nuisance Team, which were attached to the report at Appendix 2, 3 and 4.

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 also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that

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the Licensing Authority could amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 8.41 to 8.49, 9.11 to 9.13, 10.4, 10.5 and 1.5 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2017. The report also set out paragraphs 7.1, 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy.

It was reported at the meeting that the applicant had amended the application to reduce the hours requested to 2300 hours Monday to Sunday. In response to this reduction in the hours applied for the Reading Borough Council Environmental Protection and Nuisance Team had withdrawn its representation.

Mr Thir Bahadur Gurung, the applicant, was present at the meeting and was represented by Mr Surendra Panchal, Personal Licence Courses Ltd, both of whom addressed the Sub-Committee on the application.

Richard French, Licensing Officer, Reading Borough Council, and PC Simon Wheeler, Thames Valley Police, were both present and addressed the Sub-Committee on their representations 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 issued under section 182 of the Licensing Act 2003 (April 2018), as set out in the report, the Council's Statement of Licensing Policy, as set out in the report, the application for the grant to a Premises Licence in respect of Momo House, 28 Farnham Drive, be refused. The Sub-Committee's reasons were:

- (a) the Sub-Committee continued to have concerns regarding Mr Gurung's experience and knowledge to effectively promote the four licensing objectives;
- (b) given the history the Sub-Committee continued to have reservations regarding the lack of sufficient evidence of the ownership of the premises.

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, members of the press and public were excluded for part of the consideration of the above item on the grounds that the public interest in doing so outweighed the public interest in the hearing taking place in public.

(The meeting started at 5.05pm and finished at 7.06pm)