

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 5 MARCH 2024

Present: Councillor Woodward (Chair), Edwards (Vice-Chair) and Keane

44. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - GULAB DINING, 130-134 WOKINGHAM ROAD, READING, RG6 1JL

The Sub-Committee considered a report on an application for the grant of a premises licence in respect of Gulab Dining, 130-134 Wokingham Road, Reading RG6 1JL. The report explained that the application was for a grant of a premises licence for the sale of alcohol for consumption on and off the premises.

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

Provision of Recorded Music:

Monday to Sunday from 2300hrs to 0030hrs

Provision of Late Night Refreshment:

Monday to Sunday from 2300hrs to 0030hrs

Sale by Retail of Alcohol (On & Off the Premises):

Monday to Sunday from 1100hrs until 0030hrs

Hours the Premises is Open to the Public:

Monday to Sunday from 1100hrs until 0100hrs

Following correspondence between Reading Borough Council's Environmental Protection Team and the applicant, the applicant had agreed to reduce all terminal hours listed above to 2300hrs.

A copy of the Premises Licence Application Form was attached to the report at Appendix RS-1.

During the 28-day consultation period for the application representations had been received by Reading Borough Council (RBC) from RBC Licensing Team and Thames Valley Police and these were attached to the report at Appendices RS-2 and RS-3 respectively.

The report explained that there was currently no licence in force at the premises. The business has been operating at this address for over 34 years and had held a premises licence under the Licensing Act 2003 from 2005 until it was revoked at a Sub-Committee hearing on 01 November 2018 (Minute 14 refers), due to the employment of persons who did not have valid leave to remain or permission to work. An appeal against this decision, lodged by the licence holder, was dismissed at Reading Magistrates' Court on 25 June 2019.

The report added that prior to the Sub-Committee hearing at which the previous premises licence had been revoked, a transfer application had been received by Reading Borough Council, submitted on behalf of Mr Mouadjul Miah, who was the son of the previous licence holder, Mr Jamshed Miah, and was one of the directors of the current applicant company, GM Restaurants Ltd. The transfer was refused at a Sub-Committee hearing on 08 November 2018 (Minute 15 refers) as the Sub-Committee were concerned that Mr

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 5 MARCH 2024

Jamshed Miah would continue as the Designated Premises Supervisor and that he would still be actively involved in the business and would influence the applicant. The applicant appealed this decision, and the appeal was dismissed at Reading Magistrates' Court on 25 June 2019 due to the licence revocation being upheld by the magistrates. A further application for the grant of a premises licence was submitted on behalf of Berkshire Restaurant Ltd on 26 January 2019. This received representations from RBC's Licensing Team, Environmental Protection Team, Planning Team and Thames Valley Police. The director for Berkshire Restaurants Ltd had a previous working relationship with Mr Jamshed Miah and RBC Licensing and Thames Valley Police were concerned that Mr Jamshed Miah would still control the premises with Berkshire Restaurant Ltd being the licence holder in name, only. This application was withdrawn on 18 April 2019.

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 the Licensing Authority could grant (subject to appropriate conditions to promote the licensing objectives), amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 1.2 to 1.5, 8.41 to 8.49, 9.12, 9.38 to 9.40, 9.42 and 9.43 from the Secretary of State's Guidance to the Licensing Act 2003 issued in August 2023. The report also set out paragraphs 1.6, 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.5, 6.24 to 6.26, 7.2, 7.6, 7.12, 8.6, 10.1 and 10.3 from the Council's Statement of Licensing Policy.

The applicant Mr Mouadjul Miah, and their solicitor Oisin Daly attended the meeting, addressed the Sub-Committee and responded to questions.

Objectors Peter Narancic, RBC Licensing Team and Gary Clarke, Thames Valley Police attended the meeting, addressed the Sub-Committee and responded to questions.

Robert Smalley, RBC Licensing Officer, presented the report to the Sub-Committee. Licensing Officer Tabitha Shaw attended the meeting as an observer.

In reaching their decision the Sub-Committee gave due consideration to the written evidence contained in the paperwork and the oral evidence at the meeting and to the relevant legislation and policies of Reading Borough Council as set out above.

Resolved –

That, after taking into consideration the Licensing Act 2003, the Secretary of State's latest Guidance issued under section 182 of that Act, and the Council's Statement of Licensing Policy and having considered the likely effect of imposing each of the

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 5 MARCH 2024

options available under the Secretary of State's Guidance upon the promotion of the four Licensing Objectives, namely:

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

and having read and considered the written reports and oral representations from the applicant, Thames Valley Police and Reading Borough Council Licensing, the application for a Premises Licence in respect of Gulab Dining, 130-134 Wokingham Road, Reading, be granted, with the agreed terminal hour of 2300 hours for all licensable activities, and subject to the conditions set out in the report and the following additional conditions:

- (a) Mr Jamshed Miah shall not be a member of staff, in any capacity, at the premises, at any time;
- (b) Mr Jamshed Miah shall not take any salary, dividend or any other remuneration, save for any rent due under a lease, from the business operated at the premises;
- (c) A Personal Licence Holder shall be on site at the premises at all times that the business is open.

(The meeting started at 5 pm and closed at 6.26 pm)